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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	No. 08 CR 888
Government,)	
)	Chicago, Illinois
vs.)	
)	April 21, 2011
ROD BLAGOJEVICH,)	
)	10:27 o'clock a.m.
Defendant.)	

VOLUME 1
TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JAMES B. ZAGEL
AND A JURY

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INDEX OF EXAMINATION	
WITNESS	PAGE
Voir Dire.....	4
EXHIBITS	
.....	

1
2 (The following proceedings were had in the presence
3 of the Prospective Jurors in open court:)

4
5 VOIR DIRE

6 THE COURT: You are here today as prospective
7 jurors. I'm going to make a brief talk to you
8 repeating a couple of things I said yesterday to you
9 about the why jury service matters and why it's so
10 important.

11 The first reason it's important is, and often
12 forgotten, is that we fought a revolution so you
13 could sit here today. The American colonists went
14 to courts where everything was decided by the king's
15 judges, there was no juries of one's peers, and this
16 was, in fact, one of the reasons for the events of
17 July 4, 1776. Your presence in this courtroom is a
18 living symbol of the birth of our nation.

19 Second, no country entrusts as much to juries
20 as this nation does. The American way with jury
21 speaks to the world that we trust our citizens to
22 decide important cases, to do justice under law, and
23 with juries that are composed of people who are
24 selected at random from various voters lists and
25 other lists. Jury service demonstrates the faith of

1 democracy that we are competent to govern ourselves.

2 The third thing is, the faithful performance
3 of jury duty is crucial to the parties in this case.

4 If our juries were not a significant part of
5 American history, your work here would still matter,
6 and it would matter a great deal because the parties
7 to this case have submitted the decision of the case
8 to you. Your verdict is significant to them, it

9 matters to them, it is important to them, and they
10 are entitled to the very best effort you can give as
11 jurors.

12 I also want to say that in this case, a
13 criminal case, the jury will have to decide whether
14 the government has proved its case. You will not be
15 asked to decide whether you like or dislike, approve
16 or disapprove of any person here, any person who has
17 been accused here. You will be asked only to decide
18 whether the government has proved the charges
19 against the defendant beyond a reasonable doubt.

20 I believe strongly in the value of your
21 service today. And in a moment, I'm going to ask
22 each of you to take an oath to tell the truth just
23 as witnesses do and then I will ask you questions.

24 The questions are not asked out of idle
25 curiosity, nor was the questionnaire that you filled

1 out done out of idle curiosity. What I am trying to
2 do, and what the parties are trying to do, and what
3 the questions and answers will help us do is to pick
4 out of those who have been called the best possible
5 jury to hear this particular case.

6 Now, not all jurors are equally suited to all
7 cases. Those of you who are not selected to sit on
8 this jury, should not take this to mean that you are
9 unfit to serve as a juror, or even that you're unfit
10 to serve on this case, it means only that the court
11 and counsel have an opinion that other jurors might
12 be better for this case.

13 You will, incidentally, and I think perhaps
14 you already know this, be questioned by me in the
15 order of your numbers. The order of numbers is
16 random. They were selected out of a computer
17 randomizing machine. You will, in fact, be
18 questioned one at a time by me. You were all
19 assembled here for me to make this opening statement
20 to you, but you will be questioned as individuals.

21 One last thing before the oath is
22 administered. In simplified terms, very simplified
23 terms, the indictment in this case charges one
24 defendant, Rod Blagojevich, with several counts of
25 committing, as Governor of Illinois, various

1 criminal acts referred to in various ways as bribery
2 or extortion, attempted conspiracy, using phones to
3 commit some of these offenses, including securing
4 campaign contributions in exchange for certain acts.
5 This is, as tight a shorthand as I can possibly give
6 you. With respect to the details of the charges and
7 the evidence, you will have to hear that for
8 yourselves and you will receive detailed
9 instructions from me on precisely what is at issue
10 in this particular case.

11 The defendant, Rod Blagojevich, has pled not
12 guilty to each and every count.

13 Mr. Walker, would you administer the oath and
14 then escort the jury to the holding rooms.

15 THE CLERK: Will each of the prospective
16 jurors please stand and raise your right hand.

17 (Prospective jurors sworn.)

18 THE COURT: Take the jury. All rise.

19 THE CLERK: All rise.

20 Jurors please exit out the rear door here.

21 (Prospective jurors exited the courtroom.)

22 THE COURT: Be seated in the courtroom.

23 Counsel, approach the lectern.

24 (Brief pause)

25 THE COURT: We have, I think, 4 or 5

1 no-shows. Mr. Walker will give you the numbers.

2 The second question I have, when I was
3 reading these last night, I noticed I did not have a
4 questionnaire for number 104. Did you?

5 MR. SCHAR: I think we did, Judge.

6 THE COURT: Okay, then we'll have one
7 somewhere. Just, somehow, it's not in my package.

8 There are also some, I believe, who are
9 currently in the jury room who were told to report
10 today rather than yesterday in a couple of cases,
11 because one of them actually had some meeting that
12 was very important, we'll get you exact numbers on
13 those as well fairly soon. I will call them in the
14 numerical order.

15 You had probably noted in looking at this
16 that one of the consequences of the random draw is,
17 the first few contained an extraordinarily large
18 percentage of people who asked to be excused. It's
19 just the random draw and we'll deal with that. I am
20 under the impression that many of these requests for
21 excuse will turn out to be valid, but we'll go
22 through those one by one.

23 Also, you should note, and we did this last
24 time, I do not intend to excuse anybody in open
25 court. So if you think voir dire is going in the

1 way that shows that a person is perhaps totally
2 unqualified to sit as a juror on this or any case
3 and I just excuse the juror and send the juror back
4 to the room, I don't want you to panic in dismay.
5 We'll deal with those I excuse after a certain
6 number of jurors have been questioned, and with
7 respect to all of those, counsel will be heard,
8 which is why I am not doing it on the spot.

9 Anything anybody wants to raise with me?

10 MR. SCHAR: Judge, briefly. Obviously,
11 having gone through this the last time, I know you
12 do take follow-up on questions. We, obviously, had
13 an opportunity to look through the questionnaire.
14 Typically, you hit most of them, but from time to
15 time there may be a few that we have additional
16 follow-up on, how should we raise that with Your
17 Honor?

18 THE COURT: what you could do is you could
19 hand me a little note, since I'm going to leave the
20 bench and come back in a few minutes, in which you
21 tell me what you want to know about each particular
22 juror.

23 The best thing you can do with respect to
24 this is use as your reference point the question
25 number, which is what I put on my own sheet, what

1 questions I wanted to follow up on. This is also
2 something that defense can do. And you don't have
3 to worry about going all the way to the 140 or so --
4 the 40, you can -- since I'm doing them in numerical
5 order, you can start handing them out in bits and
6 pieces. So if I get 4 or 5 at a time, that's fine.

7 Anything else?

8 MR. SCHAR: No, Judge.

9 MR. GOLDSTEIN: Your Honor, we did not
10 receive a 101, I don't know if Your Honor did.

11 THE COURT: The funny thing is, I found my
12 101 in the middle of my pile.

13 MR. GOLDSTEIN: Oh, okay.

14 THE COURT: So maybe it's somewhere in the
15 middle of your pile.

16 MR. GOLDSTEIN: Okay.

17 THE COURT: Because I asked about that and
18 the government had found its. So I felt fairly
19 confident. I felt fairly confident about 104, but I
20 never got 104.

21 MS. KAESEBERG: We have one additional
22 concern, Your Honor. Particular questions in the
23 questionnaire that we objected to being inserted
24 into the questionnaire, 55 and 56, after reviewing
25 some of the answers, the questions involve

1 individual's opinions about the system, so to speak,
2 of political fundraising.

3 THE COURT: Right.

4 MS. KAESEBERG: Our concern, which is why we
5 haven't objected to until now, seems to come to
6 fruition, a lot of people have an objection to the
7 system. And we don't want the government's sort of
8 theory to be indoctrinated into the jury through the
9 questionnaire. So we ask that if you abate that,
10 potentially, by when each individual juror is
11 brought out instructing them that the system is not
12 on trial, you know, or some instruction saying the
13 system is not on trial, essentially.

14 THE COURT: I'd be happy to do that at some
15 later point in time, but the issue is addressed in
16 another way, really, and I've had some follow-ups on
17 this. You have jurors who are asked do you think
18 politicians take money to influence their votes,
19 it's not the exact wording but that's the point.
20 And I noticed that a very large number of people
21 said "some do." If their position is that "some
22 do," I think we're fine, and I have some follow-ups
23 to make sure that they understand that "some" does
24 not mean all of them. There are a couple of
25 individuals who regard the entire system as corrupt.

1 The one individual that I can think of, if you look
2 at the individual's answers as a whole, you can't
3 fail to reach the conclusion that this person is
4 embittered by life, in general, and regards pretty
5 much everything as corrupt and rotten, which,
6 generally speaking, does not make for the best kind
7 of juror. So that person is probably not going to
8 be seated. But I have marked those in several cases
9 where we had some idea of what their attitude is,
10 and I don't think it's going to present a problem.

11 Anything else?

12 MR. SCHAR: No, Judge.

13 THE COURT: Okay. I'll see you when I see
14 you.

15 Mr. Sorosky, you are about to open your
16 mouth?

17 MR. SOROSKY: Right. The issue of attorney
18 Damon Cheronis, do you want to mention him to the
19 jury in any way or potential jurors? Do you want to
20 handle that once we have a jury, should he involved
21 in the trial?

22 THE COURT: What I would like to do is to
23 wait until we've done some preliminary screening and
24 when we get down to a group of people who could
25 potentially be jurors, we will just give them an

1 additional name in writing and say we inadvertently
2 admitted this, the standard question. Because that
3 question, I think -- I think we should follow the
4 pattern of presenting these basic questions in
5 writing. We did it in the questionnaire. I think
6 it might give undo emphasizes if I were to stand up
7 and ask them a question.

8 So we'll prepare an additional question or
9 say we're amending this because there's a name that
10 has to be added. Okay?

11 MR. SOROSKY: And there's a Mr. Neil Howard
12 who may assist us in jury selection. Could he sit
13 at the counsel table, just for the jury process, not
14 for the trial?

15 THE COURT: Is this like your classic jury
16 consultant?

17 MR. SOROSKY: In theory, yes.

18 THE COURT: No, the bench.

19 MR. SOROSKY: The bench.

20 THE COURT: It's just as good.

21 MR. SOROSKY: Okay.

22 THE COURT: Okay. See you soon.

23 (Recess.)

24

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2

3 (The following proceedings were had out of the
4 presence of the prospective jury in open
5 court:)

6 THE CLERK: This court resumes in session.
7 Please be seated.

8 THE COURT: Come to the lectern.

9 (Brief pause)

:14AM

10 THE COURT: what I got from the government is
11 numbers on follow-up, what I have from the defense
12 is not exactly follow-up but an additional question.

13 And you might want to turn to, any
14 questionnaire will do, 50 through 56. If a juror
15 answers a question which says have you done anything
16 of the following, and they say yes or no, and they
17 say whatever they say, I should ask for a "why." In
18 other words, to take one witness, the question is:

:15AM

19 "... with respect to any candidates for public
20 office, political organizations, or political
21 committees, have you, your spouse/significant
22 other, any family members, any close friends
23 ever done anything of the following: Paid
24 work, volunteered work, raised funds,
25 contributed money, attended events."

:15AM

:16AM

1 I'm looking at a questionnaire in which a
2 person checked two of them. What the defense wants
3 me to do is then do a follow-up question which says:
4 "why did you not do paid work, why did you do
5 volunteer work, why did you not raise funds,
6 why did you not contribute money, why did you
7 attend events, like cocktail parties or
8 dinner."

9 I'm not going to ask that. It's something
10 had it been submitted originally, I would be
11 disinclined. What most of these questions call for
12 is person's activities rather than state-of-mind
13 explanations, and state of mind is something I
14 rarely address, largely because it doesn't tell you
15 very much, what you need to know is what people do.

16 It is true, and I think I mentioned this
17 before, we could have much deeper examinations of
18 jurors, we could give them psychological testing.
19 We don't. Knowledge of what they do is
20 traditionally the basis on which opinions are made
21 and I am unwilling to ask, particularly since this
22 is not a follow-up question, it's a new question,
23 and it increases, with respect to 50, what was once
24 one question is now 6 additional questions.

25 With respect to 51, the "why" question is

1 already there. You ask "have you ever done certain
2 things" and then the answer is "yes," then please
3 explain this experience and what did it do. I
4 believe "please explain" is the equivalent of "why."

:18AM 5 with respect to question 52, "have you ever
6 been involved with a lobbyist," if the question is
7 "no" I think the question "why" is unproductive. If
8 the question is yes, basically we have the
9 equivalent of a "why" which is the follow-up which
:18AM 10 asks them to explain. "Do you have an opinion about
11 political fundraising, if so, what is it," that, I
12 think, takes care of the "why" to a "yes" answer.
13 If the person says "no" I'm not going to ask them
14 why they don't contribute to political campaigns. I
:19AM 15 understand that, under some theories, it might be
16 useful, but we are not required to ask every useful
17 question.

18 54, "do you have strong opinions, positive or
19 negative about politics or politicians," I believe
:19AM 20 inherently in that question the "why" is obvious;
21 it's there already.

22 'Do you believe that public officials
23 consider their own personal financial interest in
24 the course of making official decisions? Yes, no,
:19AM 25 or no opinion." If the answer is "yes" where

1 perhaps the "why" would be important to know, they
2 are, in fact, asked that. "If yes, what is your
3 opinion of this practice."

4 56 is the same structural question as 55 and
5 the same ruling.

6 And that, I think, takes care of the defense
7 requests based on the questions in the
8 questionnaire.

9 MS. KAESEBERG: Can I ask one question on 55
10 and 56?

11 THE COURT: Yeah.

12 MS. KAESEBERG: If a juror answers the
13 question "do you believe that public officials
14 consider their own personal financial interests in
15 the course of making official decisions," if they
16 say "yes," if the follow-up is yes, what is your
17 opinion, if they say "I think it's unfair," we would
18 ask if that is a short answer as to that, that there
19 would be an follow-up of why and let them sort of
20 explain why they think it's unfair.

21 THE COURT: I understand what you're after,
22 you're going into a level of examination that I
23 think is not required. And I reiterated this
24 before, you can have very long examinations, you
25 could have testing of people's views. We don't do

1 that.

2 Another question is "will you hold it
3 against -- " this is unrelated, it's a new question,
4 and for this reason, I think, untimely submitted,
5 but we'll discuss it, anyway, "will you hold it
6 against Mr. Blagojevich that he participated in a
7 system of political fundraising?" I think the
8 questions of the effect of whatever attitudes they
9 have with respect to the defendant in this case are
10 covered by other questions, and this is directed to
11 a particular piece of evidence or a particular
12 practice and I don't think it's necessary.

13 And the rest of it is testing: Can you
14 remain committed to, can you remain open-minded,
15 particularly the last one I think is actually asking
16 the jurors to take a posture directing their
17 attitude toward deliberation that is, in fact, not
18 required by law. We've dealt with this issue before
19 when there was a question or something about don't
20 yield to the views of others. The reason that you'd
21 like to know this, I think, is fairly obvious, but
22 the truth of the matter is, a jury discussion is, in
23 fact, a debate. Jurors are permitted to yell to
24 each other. I'm not encouraging a juror to do
25 anything other than what I tell the juror to do,

1 which is don't change your mind simply because you
2 want to get a vote. That's the standard
3 instruction, it's the instruction that has been
4 approved time and time again by the Seventh Circuit,
5 and it covers these issues. So I'm not asking those
6 questions.

7 The government on its part just simply listed
8 a number of questions that I should follow up on,
9 and I'm going to ask those questions if I think that
10 it needs a follow-up, if it doesn't need a
11 follow-up, I'm not going to ask it.

12 with respect, incidentally, to juror 108, it
13 appears she knows you, Mr. Goldstein. Do you know
14 her?

15 MR. GOLDSTEIN: Let me get the --

16 THE COURT: It's 108; no names. The juror
17 circled your name.

18 MR. SOROSKY: I do not know that individual.

19 THE COURT: Okay. All right. So I don't
20 think we have to do much with that follow-up, but
21 I'll ask it anyway.

22 I think, then, we're basically ready to go.
23 Bring in 101.

24 (Prospective juror entered the courtroom, and
25 the following proceedings were had herein:)

1 (Brief pause).

2 THE COURT: This is a little awkward for me,
3 but I'm going to have to call you 101, okay?

4 PROSPECTIVE JUROR: Okay.

5 THE COURT: I've taken a look at your
6 questionnaire. I'm not going to go down each
7 question, but I did want to cover a couple of them.

8 What did you do for the radio station?

9 PROSPECTIVE JUROR: I work in the promotions
10 department, so I help plan events and deal
11 with winners information. So when somebody calls in
12 the radio station and wins a prize.

13 THE COURT: When you say part-time, how many
14 hours is there.

15 PROSPECTIVE JUROR: I'm there three days a
16 week, Monday through Wednesday, from about 8:15 to
17 4:30.

18 THE COURT: Okay. And that doesn't change,
19 that's a regular schedule that you have.

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: And you also do some substitute
22 teaching?

23 PROSPECTIVE JUROR: Yes, on Thursdays and
24 Fridays.

25 THE COURT: Okay. Does that mean, like,

1 you're available for Thursdays and Fridays,
2 sometimes you're called, sometimes you're not?

3 PROSPECTIVE JUROR: Yes, sir.

4 THE COURT: And what grades do you substitute
5 for?

6 PROSPECTIVE JUROR: Kindergarten through high
7 school.

8 THE COURT: Okay. So you do the entire
9 range?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: You can have a 5-year old one day
12 and a 17-year old the next?

13 PROSPECTIVE JUROR: Yes; and they're equally
14 bad.

15 THE COURT: Okay. It also says that you do
16 have some supervisor responsibilities.

17 PROSPECTIVE JUROR: I have a couple of
18 interns at the radio station.

19 THE COURT: Okay. Do you like your work?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: And how long have you been doing
22 the radio station?

23 PROSPECTIVE JUROR: I've been there since
24 May.

25 THE COURT: And the substitute teaching?

1 PROSPECTIVE JUROR: For about 2 years.

2 THE COURT: You say you have a friend who is
3 a retired police officer?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: what department?

6 PROSPECTIVE JUROR: He was in Oak Brook, I
7 don't know what department.

8 THE COURT: Okay. You've had family members
9 or friends who served in the military?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: Particularly close friends?

12 PROSPECTIVE JUROR: My uncle was in Vietnam.

13 THE COURT: Okay. Ever been in a courthouse
14 before?

15 PROSPECTIVE JUROR: No.

16 THE COURT: Your comment about politicians
17 was "I feel they should be respected, fair, and have
18 a job you would not want."

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: why wouldn't you want it?

21 PROSPECTIVE JUROR: It's a lot of
22 responsibility and a lot to go through each day and
23 it is a job that I would not want to do on a daily
24 basis.

25 THE COURT: Okay. You list three hobbies

1 here.

2 PROSPECTIVE JUROR: Uh-huh.

3 THE COURT: How much time do you spend on
4 them?

5 PROSPECTIVE JUROR: When I have free time,
6 which is not often.

7 THE COURT: And in the order which you give
8 them, is that the order of their importance? Do you
9 remember what the order is? Because I'll tell you
10 if you don't.

11 PROSPECTIVE JUROR: I believe it was
12 scrapbooking, working out, and I like and enjoy
13 going to the movies.

14 THE COURT: Okay. It says you read the
15 Tribune two times a week.

16 PROSPECTIVE JUROR: Uh-huh.

17 THE COURT: Is that like a rigid schedule,
18 the same two days eek week?

19 PROSPECTIVE JUROR: No; it's when I'm on the
20 train.

21 THE COURT: Okay. And when you listed the
22 names of three people, you also noted that you had
23 misread the question.

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: Okay. These are people you've

1 heard as opposed to people you know.

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: Now, you also answered the
4 question "no" when you were asked if you read,
5 heard, seen or anything about a trial in the summer
6 of 2010 involving Rod Blagojevich and you said no.

7 PROSPECTIVE JUROR: Correct, I didn't.

8 THE COURT: Is that like literally true or
9 you just didn't see much?

10 PROSPECTIVE JUROR: No, I just didn't follow
11 it, nor did I watch it on the news or in the
12 newspaper.

13 THE COURT: Right. But you've heard of it?

14 PROSPECTIVE JUROR: I've heard of it, yeah.

15 THE COURT: Thank you.

16 PROSPECTIVE JUROR: Thank you.

17 (Prospective juror exited the courtroom, and the
18 following proceedings were had herein:)

19 (Brief pause).

20 (Prospective juror entered the courtroom, and
21 the following proceedings were had herein:)

22 THE COURT: I'm going to have to call you by
23 number. You're 102?

24 PROSPECTIVE JUROR: Yes, sir.

25 THE COURT: Okay. I'm not going to ask you

1 about each of the questions. You filled out the
2 questionnaire. I'm just going to touch on a few of
3 them.

4 PROSPECTIVE JUROR: (Nodding.)

5 THE COURT: You have a list of prescription
6 drugs that you take.

7 PROSPECTIVE JUROR: Yeah.

8 THE COURT: What do you take them for?

9 PROSPECTIVE JUROR: High blood pressure,
10 stuff like that.

11 THE COURT: Okay. Did any of them affect the
12 way your mind works?

13 PROSPECTIVE JUROR: Ah, it make me drowsy,
14 some of them make me drowsy.

15 THE COURT: Okay. You drove a forklift?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: What kinds of stuff did you move
18 around?

19 PROSPECTIVE JUROR: Spices and chemicals,
20 stuff like that.

21 THE COURT: And you moved crates?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: You've worked for the same
24 company?

25 PROSPECTIVE JUROR: Yup.

1 THE COURT: 37 years?

2 PROSPECTIVE JUROR: Yeah.

3 THE COURT: Long time.

4 How long ago did you retire?

:33AM 5 PROSPECTIVE JUROR: 10 years.

6 THE COURT: When?

7 PROSPECTIVE JUROR: 10 years ago.

8 THE COURT: 10 years ago.

9 Did you ever work for anybody else other than
:33AM 10 that company, do any other kind of work?

11 PROSPECTIVE JUROR: Yeah, I used to do
12 construction.

13 THE COURT: You said that you did serve on a
14 jury?

:34AM 15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Do you remember what kind of case
17 it was?

18 PROSPECTIVE JUROR: Criminal.

19 THE COURT: It says here 1976, is that about
:34AM 20 right?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: And the jury did reach a verdict
23 in that case?

24 PROSPECTIVE JUROR: No, they -- they cop a
:34AM 25 plea.

1 THE COURT: Oh, okay.

2 And it says here that you were, at least on
3 one occasion, arrested before. What was that about?

4 PROSPECTIVE JUROR: Fighting.

:35AM

5 THE COURT: What happened with that case?

6 PROSPECTIVE JUROR: I beat it.

7 THE COURT: And when was that?

8 PROSPECTIVE JUROR: In 2002.

9 THE COURT: And where were you arrested?

:35AM

10 What police department have arrested you?

11 PROSPECTIVE JUROR: 51st Street.

12 THE COURT: What happened with your son?

13 PROSPECTIVE JUROR: He got killed.

14 THE COURT: Was anybody ever charged with
15 that?

:35AM

16 PROSPECTIVE JUROR: Yeah, they had him but
17 they gave him probation.

18 THE COURT: And that was in 1981?

19 PROSPECTIVE JUROR: Yes.

:35AM

20 THE COURT: And you were, obviously, not
21 satisfied with that result?

22 PROSPECTIVE JUROR: No.

23 THE COURT: How do you think that would
24 affect you in this case if you sat on the jury?

:36AM

25 PROSPECTIVE JUROR: In my say, everybody

1 guilty.

2 THE COURT: Okay.

3 You get most of your news from television?

4 PROSPECTIVE JUROR: Yes; and I probably have
5 th news on, they'd be talking about it.

6 THE COURT: Okay. You spend a lot of time
7 listening to the news, watching the news?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Any particular station you watch?

10 PROSPECTIVE JUROR: No.

11 THE COURT: Do you use the computer at all?

12 PROSPECTIVE JUROR: No.

13 THE COURT: Are you active in any in
14 politics?

15 PROSPECTIVE JUROR: Sir?

16 THE COURT: You active in any way in
17 politics?

18 PROSPECTIVE JUROR: No; at times vote, that's
19 it.

20 THE COURT: Okay. Have you paid any
21 attention to the news about this case?

22 PROSPECTIVE JUROR: Yeah, I heard about it.

23 THE COURT: Do you remember anything about it
24 in particular?

25 PROSPECTIVE JUROR: The charge got dropped or

1 he got away with some of it and then other than they
2 had to try him again.

3 THE COURT: Thank you.

4 PROSPECTIVE JUROR: You're welcome.

5 (Prospective juror exited the courtroom, and the
6 following proceedings were had herein:)

7 (Brief pause).

8 (Prospective juror entered the courtroom, and
9 the following proceedings were had herein:)

:38AM

10 THE COURT: At least for today your name is
11 103.

12 PROSPECTIVE JUROR: Yes, sir.

13 THE COURT: What hours do you work?

14 PROSPECTIVE JUROR: Evenings, mostly.

:39AM

15 Normally start at around 4:30. I know I put in
16 hardship. They said they'd try and work with me as
17 best they could for getting there late.

18 Can you hear me?

19 (Brief pause)

:39AM

20 THE COURT: How long have you worked at that
21 particular place?

22 PROSPECTIVE JUROR: Maybe about 8 months.

23 THE COURT: Have you worked similar kinds of
24 places before?

:39AM

25 PROSPECTIVE JUROR: No.

1 THE COURT: This is your first time doing
2 that work?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: Okay. It's a nice place.

5 PROSPECTIVE JUROR: Oh, you've been there?
6 Yeah.

7 THE COURT: And your main job for a number of
8 years is programmer?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: And what kind of programming did
11 you do?

12 PROSPECTIVE JUROR: Like what language or
13 what type of company was it?

14 THE COURT: What type of company.

15 PROSPECTIVE JUROR: It was a database
16 management -- ah, like a database management
17 company.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR: Consulting company.

20 THE COURT: Is the company still around?

21 PROSPECTIVE JUROR: Barely. There might be
22 maybe 5 people that work there.

23 THE COURT: And what do you do at the
24 photography?

25 PROSPECTIVE JUROR: Kind of more part-time,

1 weekend warrior; portraits, special events, small
2 weddings, things like that.

3 THE COURT: And it says you've been doing
4 that for about 2 years?

5 PROSPECTIVE JUROR: Uh-huh.

6 THE COURT: Was that a like a late life
7 sudden interest?

8 PROSPECTIVE JUROR: No, lifetime love of
9 photography, but, you know, I always had the 9:00 to
10 5:00, and when the company kind of down-sized I
11 decided to go with that for a while.

12 THE COURT: And you started out because you
13 wanted to be a biologist?

14 PROSPECTIVE JUROR: Yes, that was my college
15 major. I did that for quite sometime too, as well.

16 THE COURT: It says that you know people who
17 are police officers and lawyers. Are any of them
18 particularly close to you?

19 PROSPECTIVE JUROR: Police officers would
20 have been former boyfriend, something like that.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR: Lawyers, I guess I've got
23 two in my family; although, they don't practice.
24 And, you know, a couple of friends here and there,
25 but no, you know, immediate family members that are

1 lawyers.

2 THE COURT: And you did have a relative in
3 the Marines?

4 PROSPECTIVE JUROR: Yes, my brother was,
5 years ago.

6 THE COURT: You indicate that you have a
7 relative, a cousin, who was either arrested or
8 convicted on federal charges?

9 PROSPECTIVE JUROR: Uh-huh.

10 THE COURT: Do you remember what the charges
11 were?

12 PROSPECTIVE JUROR: Cousin through marriage,
13 and I'm not exactly sure of the charges. Let me
14 think about it.

15 THE COURT: There's no law that says you have
16 to remember.

17 PROSPECTIVE JUROR: I don't remember exactly,
18 but he did wind up serving. He pled guilty and he
19 served time for it.

20 THE COURT: Do you have any particularly
21 strong feelings about that, one way or the other?

22 PROSPECTIVE JUROR: Not specifically, no.

23 THE COURT: Is this someone who is close to
24 you?

25 PROSPECTIVE JUROR: A cousin through

1 marriage.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR: Like a first cousin.

4 THE COURT: Someone you see a lot?

: 43AM

5 PROSPECTIVE JUROR: Not anymore, no.

6 THE COURT: And you had a family member, one
7 or two, who were victim of crimes?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: How long was that?

: 43AM

10 PROSPECTIVE JUROR: One was many years ago,
11 perhaps I was, you know, 7 at the time, and one was
12 maybe about 7 years ago.

13 THE COURT: Did that have any long-standing
14 effect on your attitude toward life, toward the
15 world, in the general?

: 43AM

16 PROSPECTIVE JUROR: I can't say that it did.

17 THE COURT: Okay. I asked you -- you
18 indicated some difficulty not with this particular
19 case but with spending a long time serving on a jury
20 because of income issues.

: 44AM

21 PROSPECTIVE JUROR: Because of what?

22 THE COURT: Income issues.

23 PROSPECTIVE JUROR: Yeah. Yeah.

24 THE COURT: I do want to tell you that
25 considering what you do and when you do it, and this

: 44AM

1 has occurred often, it's usually possible to do them
2 both.

3 PROSPECTIVE JUROR: You said it's what?

4 THE COURT: Usually possible to do them both,
5 to continue working. I'll have to take that into
6 account, but what I will need from you is some
7 indication of what your employer has said about
8 scheduling.

9 PROSPECTIVE JUROR: I said in the beginning,
10 they will try and work with me, so --

11 THE COURT: So maybe, maybe not?

12 PROSPECTIVE JUROR: Yeah, coming in.
13 Basically, if we're here every day until 4:45, that
14 would put me to work maybe about 45 minutes late.

15 THE COURT: You work the weekends?

16 PROSPECTIVE JUROR: Just Sunday.

17 THE COURT: What? Just Sunday?

18 PROSPECTIVE JUROR: Yeah. I'm low-man on the
19 totem pole.

20 THE COURT: All right. And you've consulted
21 or hired lawyers, basically, for buying a home and
22 for an auto accident?

23 PROSPECTIVE JUROR: Yeah, like the home
24 closing and auto accident.

25 THE COURT: Okay. Was anything big about the

1 auto accident?

2 PROSPECTIVE JUROR: No, I think we just, you
3 know, had one there as a precaution.

4 THE COURT: Okay. There's a reference to
5 friends, family members testifying as character
6 witnesses.

7 PROSPECTIVE JUROR: For the one trial, for
8 the federal one.

9 THE COURT: Okay. That federal case, was
10 that in this courthouse or was it somewhere else?

11 PROSPECTIVE JUROR: That I don't know. That
12 I don't know.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR: I just know that the time
15 was served in -- in Minnesota, maybe.

16 THE COURT: Okay. And you know somebody who
17 testifies as an expert witness often.

18 PROSPECTIVE JUROR: A doctor, a friend of
19 mine is a doctor.

20 THE COURT: A lot of discussions about what
21 happens in court or none?

22 PROSPECTIVE JUROR: She won't talk about it.

23 THE COURT: Okay. You skipped over one
24 question.

25 PROSPECTIVE JUROR: Did I? I'm sorry.

1 THE COURT: Well, there are a lot of
2 questions. You wouldn't be the only one.

3 Have any claims or lawsuits ever been made by
4 any federal, state district, local official, or
5 government agency against you.

6 PROSPECTIVE JUROR: No.

7 THE COURT: A family member or close friend.
8 Now, you answered some of that, but they're talking
9 about usually -- first of all, any claims, lawsuits
10 made against you.

11 PROSPECTIVE JUROR: No.

12 THE COURT: Okay. You donate money to your
13 college and various other charities?

14 PROSPECTIVE JUROR: Uh-huh.

15 THE COURT: You have done some volunteer work
16 and even some paid work with respect to local
17 elections?

18 PROSPECTIVE JUROR: Here and there.

19 THE COURT: What kind of elections?

20 PROSPECTIVE JUROR: Well, like, what was it,
21 the Senate raised one of the candidates toward
22 election and had me follow her around for the day to
23 document her -- her run.

24 THE COURT: And you were paid for that?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: And how about volunteer work?

2 PROSPECTIVE JUROR: Volunteer work, was that
3 the political or the charitable and all of that?

4 THE COURT: The political stuff.

: 47AM

5 PROSPECTIVE JUROR: The political? Actually,
6 I can't say that I did volunteer work.

7 THE COURT: And you've occasionally
8 contributed money for candidates for state and local
9 elections?

: 48AM

10 PROSPECTIVE JUROR: Uh-huh.

11 THE COURT: Most of your news you get from
12 television?

13 PROSPECTIVE JUROR: When I watch it, yes.

: 48AM

14 THE COURT: You watch a lot of it or just a
15 little?

16 PROSPECTIVE JUROR: No, I tend to watch movie
17 channels that don't have news.

18 THE COURT: And you didn't follow the media
19 coverage of this issue?

: 48AM

20 PROSPECTIVE JUROR: No.

21 THE COURT: In fact, you said, basically, the
22 only thing you recall hearing are media clips of
23 phone calls.

: 49AM

24 PROSPECTIVE JUROR: Phone calls, overall the
25 prior verdict, but, other than that, I didn't watch

1 it every day or anything like that.

2 THE COURT: Okay. In the course of your work
3 do you occasionally overhear political discussions?

4 PROSPECTIVE JUROR: Probably; here and there.

5 THE COURT: Right. Do you draw a lot of
6 attention to it?

7 PROSPECTIVE JUROR: Not so much because I'm
8 so busy work. Normally, the TVs are on like the
9 sports channels, anyway, so they're talking about
10 the Lakers, and the Bulls, and things like that.

11 THE COURT: Okay. Thank you.

12 PROSPECTIVE JUROR: Okay.

13 (Prospective juror exited the courtroom, and the
14 following proceedings were had herein:)

15 (Brief pause).

16 (Prospective juror entered the courtroom, and
17 the following proceedings were had herein:)

18 THE COURT: Hi. You're name for today is
19 104.

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Because I always felt it's a
22 little rude, but, still, it's our rule.

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: I'm not going go every question
25 on this, I'm just looking for specific ones.

1 PROSPECTIVE JUROR: Sure.

2 THE COURT: You studied social work?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: Did you practice social work?

:50AM

5 PROSPECTIVE JUROR: No.

6 THE COURT: You have a substantial number of
7 children.

8 PROSPECTIVE JUROR: Yes, I do, I guess.

9 THE COURT: And your spouse is a lawyer?

:51AM

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: Do you have lengthy discussions
12 about the law with your spouse?

13 PROSPECTIVE JUROR: Not usually.

:51AM

14 THE COURT: Right. Does he ever talk to you
15 about it and you get bored?

16 PROSPECTIVE JUROR: No, he never --

17 THE COURT: Never talks about it?

18 PROSPECTIVE JUROR: No; I don't think he does
19 anything exciting.

:51AM

20 THE COURT: He worked for some particular
21 firm, I'm not going to mention the name, from 1999
22 to 2004. Do you know what kind of work he did for
23 that firm?

24 PROSPECTIVE JUROR: Real estate.

:51AM

25 THE COURT: Okay. Is he now practicing with

1 another firm?

2 PROSPECTIVE JUROR: No.

3 THE COURT: Is he on his own?

4 PROSPECTIVE JUROR: No.

:52AM 5 THE COURT: What's he doing?

6 PROSPECTIVE JUROR: He works for John
7 Calamos, Calamos Investments.

8 THE COURT: For who?

9 PROSPECTIVE JUROR: Calamos Investments.

:52AM 10 THE COURT: Okay. Same kind of stuff, a lot
11 of real estate stuff or has he branched out?

12 PROSPECTIVE JUROR: Yeah, a lot of real
13 estate. He does, basically, everything.

:52AM 14 THE COURT: Do you know if in his legal work
15 he winds up going to court on some kind of case?

16 PROSPECTIVE JUROR: He's never been to court.

17 THE COURT: So he's an office lawyer.

18 PROSPECTIVE JUROR: Yes.

:52AM 19 THE COURT: All right. And your father was a
20 chemist?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: You list a school and a church as
23 part of your charitable and civic stuff. Is that a
24 school to which some of your children go?

:53AM 25 PROSPECTIVE JUROR: All my kids go there now,

1 yes.

2 THE COURT: Okay. Do you spend a lot of time
3 working, doing that kind of stuff?

4 PROSPECTIVE JUROR: Yes; now they're all in
5 school, so I'm much more there now.

6 THE COURT: Okay. You have one question, I'm
7 going to read it to you.

8 PROSPECTIVE JUROR: Only.

9 THE COURT: And then ask you about it, the
10 question was:

11 "Do you believe that public officials make
12 official decisions to benefit contributors in
13 exchange for campaign contributions they have
14 received or believe they will receive?"

15 And you checked yes, and the next question was:
16 "If yes, what is your opinion of this
17 practice?"

18 and you said:

19 "I think it almost always happens and everyone
20 knows it."

21 And that is your view?

22 PROSPECTIVE JUROR: Ah, honesty, I haven't
23 thought much of about it, but I guess yes.

24 THE COURT: Okay. One of the things that
25 you're going to be -- because I think almost

1 everybody in the world has general opinions about
2 elected officials, and not all of them are
3 particularly favorable, but what you're going to be
4 asked to deal with in this case is not whether
5 public officials, in general, do this, that or the
6 other thing, it's going to be the question of
7 whether the particular public official who is
8 charged in this case did acts which violated the
9 law. Not acts which you may disapprove of, but
10 simply acts which violated the law. And the
11 question you're going to be asked to do, the task,
12 is to decide whether the government has proved those
13 charges beyond a reasonable doubt.

14 So my question to you is, the fact that you
15 believe, almost always but not always, public
16 officials make these decisions in exchange for
17 campaign contributions, if you have that general
18 belief, would you still be able to give fair
19 consideration for the question of whether a
20 particular public official did it in a particular
21 set of circumstances, would you be able to separate
22 your general view and concentrate on the evidence
23 just with respect to this person?

24 PROSPECTIVE JUROR: I believe so.

25 THE COURT: Okay.

1 You list your primary leisure activities as
2 photography, sports, and doing stuff with your kids.
3 In what order, in terms of volume of time?

4 PROSPECTIVE JUROR: Well, my kids, I guess,
5 right.

6 THE COURT: Right. And how about the
7 photography and sports?

8 PROSPECTIVE JUROR: Oh, probably sports and
9 then photography, maybe.

10 THE COURT: And what's the photography part?
11 Is it something you are a big fan, you got all kinds
12 of big cameras?

13 PROSPECTIVE JUROR: I just like to take
14 pictures.

15 THE COURT: Okay. And the sports part?

16 PROSPECTIVE JUROR: My kids play a lot of
17 sports, I used to play sports, so just normal ...

18 THE COURT: Where do you get your news from?

19 PROSPECTIVE JUROR: Mostly the Internet, some
20 TV.

21 THE COURT: Okay. Do you read a lot of news
22 or just a little?

23 PROSPECTIVE JUROR: A little.

24 THE COURT: Okay. Children's Memorial
25 Hospital, it says:

1

2

3 "Have you, a family member or close friend ever
4 been to or treated at Children's Memorial
5 Hospital?"

:57AM

6 And the answer is "yes."

7 PROSPECTIVE JUROR: I have some friends whose
8 children have been treated there.

9 THE COURT: Okay. But not your children?

:57AM

10 PROSPECTIVE JUROR: Not my children, no.

11 THE COURT: And you have a friend who at
12 least at one time worked for the Tribune Company?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: Still does or not?

:57AM

15 PROSPECTIVE JUROR: No.

16 THE COURT: Okay, now this is the last
17 question. The question was:

18 "Have read heard or viewed any media accounts of
19 the trial, have you formed any opinion based on
20 what you have observed?"

:58AM

21 You answered yes, and you said:

22 "I thought, based on what I heard, that he was
23 guilty."

24 You are sticking to that answer, that's what
25 you thought at the time?

:58AM

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: Now, there are probably not too
3 many people, around here at any rate, who have never
4 heard of this case, and when you said "I thought
5 based on what I heard" it raised the question in my
6 mind, because one of the things the jurors are
7 supposed to do, even if they've heard about a case
8 and even if they have an opinion based on what they
9 heard, what we ask jurors to do is put aside that
10 opinion. We don't ask them to erase it from their
11 minds, we don't ask them to forget it, basically
12 because nobody can do that, it's not possible.

13 what we ask them to do is set aside whatever
14 they've heard before and decide the case not on what
15 they heard before, but on what they saw and heard in
16 the courtroom, and only what they saw and heard in
17 the courtroom, the evidence that's admissible. The
18 question is, do you think you can do that?

19 PROSPECTIVE JUROR: I would hope so.

20 THE COURT: Okay. You're basically
21 optimistic about that?

22 PROSPECTIVE JUROR: I'd like to think I
23 could.

24 THE COURT: Okay. Thanks.

25 (Prospective juror exited the courtroom, and the

1 following proceedings were had herein:)

2 THE COURT: 106 is next, but give me a
3 second.

4 The marshal: Yes.

5 THE COURT: 105 did not appear today and we
6 will take the appropriate steps with respect to
7 that.

8 (Prospective juror entered the courtroom, and
9 the following proceedings were had herein:)

10 THE COURT: Hi.

11 Today your name is 106, probably not what you
12 would have picked, but that's what it is for the
13 time being.

14 I'm not going to go over each question, I'm
15 just going to go down the list and pick out a few.

16 PROSPECTIVE JUROR: (Nodding).

17 THE COURT: I'm going to cover two subjects,
18 one is the question you filled and the other has to
19 do with what effect jury service will have on the
20 rest of your life.

21 what do you do at work? I mean, how do you
22 spend the day, is the question.

23 PROSPECTIVE JUROR: For the most part, it's
24 client communications, it's prepped for work in
25 front of clients, meetings, there's a lot of e-mail,

1 phones, copying, filling out applications.

2 THE COURT: And you have one supervisor or do
3 you work for more than one person?

4 PROSPECTIVE JUROR: Two.

5 THE COURT: Two. Has been the same people
6 for a long time?

7 PROSPECTIVE JUROR: 6 years.

8 THE COURT: Do you like the work?

9 PROSPECTIVE JUROR: I do.

10 THE COURT: And your spouse is employed?

11 PROSPECTIVE JUROR: He is.

12 THE COURT: What does he do?

13 PROSPECTIVE JUROR: He is a switch screw
14 machinist.

15 THE COURT: And what is that?

16 PROSPECTIVE JUROR: He works with really,
17 really, big machines that spin metal and spit out
18 teeny, tiny little parts.

19 THE COURT: Okay. Do we know where those
20 parts go?

21 PROSPECTIVE JUROR: Mostly, they're for
22 dentistry, but most of it is for gun manufacturers.

23 THE COURT: And the job you had before, the
24 one you had before, you were an office manager?

25 PROSPECTIVE JUROR: I was.

1 THE COURT: You had that for 2 years?

2 PROSPECTIVE JUROR: I did.

3 THE COURT: How come you left?

4 PROSPECTIVE JUROR: I did not like the owner
5 of the company.

6 THE COURT: Good reason.

7 And you have one child?

8 PROSPECTIVE JUROR: One.

9 THE COURT: Your mother worked for the
10 Attorney General?

11 PROSPECTIVE JUROR: She did.

12 THE COURT: In Arizona?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: And how long -- oh, you answered
15 that question.

16 PROSPECTIVE JUROR: She was actually there a
17 little bit longer, but a few years she was just a
18 volunteer.

19 THE COURT: Okay. You have a friend who is a
20 special agent with the FBI?

21 PROSPECTIVE JUROR: I do.

22 THE COURT: Do you know what kind of work
23 that person does?

24 PROSPECTIVE JUROR: He is in the white
25 collar.

1 THE COURT: Right.

2 PROSPECTIVE JUROR: It's kind of finances and
3 he's a specialist with civil rights cases.

4 THE COURT: All right. After your mother
5 stopped doing that crime victim advocate work in
6 Arizona, did she ever do that anywhere else, work as
7 a volunteer, other than in Arizona?

8 PROSPECTIVE JUROR: I don't believe so.

9 THE COURT: How large is the firm you work
10 for?

11 PROSPECTIVE JUROR: There's two partners and
12 two support staff.

13 THE COURT: Okay. Your brother was in the
14 Marines?

15 PROSPECTIVE JUROR: He was.

16 THE COURT: Tell me about the burglary in
17 1999.

18 PROSPECTIVE JUROR: Actually, I went to visit
19 my brother on base in 26 Palms and when I came home
20 my neighbors came over and told me that two young
21 people had unloaded everything that was in my house,
22 and left with it, including my bedroom furniture,
23 but they didn't call the cops.

24 THE COURT: Did you say anything to them?

25 PROSPECTIVE JUROR: Oh, yes.

1 THE COURT: I gather from what you said that
2 as a result of a personal experience, this led your
3 mother into what she did?

4 PROSPECTIVE JUROR: That's correct.

5 THE COURT: Okay. Now, you also said here
6 that you're currently consulting a lawyer about a
7 possible claim you might have?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Is that still going on?

10 PROSPECTIVE JUROR: It is.

11 THE COURT: Is the lawyer investigating that
12 claim, is that what it amounts to?

13 PROSPECTIVE JUROR: My last communication
14 with him was that my medical file had been completed
15 and was sent to two professionals in the same field
16 as the surgeon who completed the surgery.

17 THE COURT: Right. Have you in fact
18 recovered from that incident? It says here "rehab
19 and two corrective surgeries."

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Have they been successful?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: Okay. And you had to testify in
24 a court hearing?

25 PROSPECTIVE JUROR: Well, it wasn't a court

1 hearing. I had applied for an order of protection.

2 THE COURT: Oh, that's right. That's right.

3 And you believed the result of that hearing that the
4 relief that was given helped you?

5 PROSPECTIVE JUROR: It did.

6 THE COURT: But it was very stressful and
7 scary at the time.

8 PROSPECTIVE JUROR: Well, when you're fearing
9 for your safety or your spouse's safety and your
10 child's safety.

11 THE COURT: Well, actually pretty much all
12 court proceedings are scary and stressful.

13 PROSPECTIVE JUROR: They are.

14 THE COURT: Yeah.

15 But, basically, in the end, you were
16 satisfied with the result?

17 PROSPECTIVE JUROR: I was.

18 THE COURT: And your political act was is you
19 wrote to a city council about cable and satellite
20 providers?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: You answered the question about
23 recordings of overheard conversations, and you said,
24 and I'll repeat it to you:

25 "... I disagree with the use of recordings when

1 both parties are not made aware of the
2 recording."

3 And that's your view?

4 PROSPECTIVE JUROR: It is.

5 THE COURT: Okay. My question to you is, the
6 law does, in fact, permit recordings where not both
7 sides are -- and, in fact, they permit recordings
8 where nobody who is a participant in the
9 conversation is aware of that, so that kind of
10 evidence is admissible. My question is, would your
11 personal feeling about whether that should occur,
12 would that affect your ability to be a fair juror?

13 PROSPECTIVE JUROR: I don't believe so.

14 THE COURT: Okay. And you are somewhat
15 concerned about childcare?

16 PROSPECTIVE JUROR: I am.

17 THE COURT: Okay. You want to give me a
18 couple of details on that one?

19 PROSPECTIVE JUROR: well, I have childcare
20 available to me from 7:00 a.m. to 6:00 p.m., I have
21 to take a 6:31 train to be able to be down here, and
22 then whatever time court is released I would have to
23 take a train back, and there just aren't enough
24 hours in the day for that to be available. And at
25 this point, my husband is going in to work late so

1 that he can drop my son off when it opens and then
2 my mom is picking him up from school after.

3 THE COURT: How old is he?

4 PROSPECTIVE JUROR: He's 11.

5 THE COURT: And how tight are your finances
6 day-to-day?

7 PROSPECTIVE JUROR: Extremely.

8 THE COURT: And how long has that been going
9 on?

10 PROSPECTIVE JUROR: My husband, in the
11 machine industry, it's all gone to China and I think
12 less than 10 percent of the work is done in the U.S.
13 And we went through furloughs about 2 years ago and
14 he lost his job and he just started this one and he
15 took a \$5.00 an hour pay cut just to have this job,
16 so about and a half years. I was asked to bring
17 documentation of my employer's juror policy.

18 (Handing document.)

19 THE COURT: Thank you for bringing it in.

20 (Prospective juror exited the courtroom, and the
21 following proceedings were had herein:)

22 (Brief pause).

23 (Prospective juror entered the courtroom, and
24 the following proceedings were had herein:)

25 THE COURT: Hello.

1 PROSPECTIVE JUROR: Hello.

2 THE COURT: For today, your name is 107.

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: I'm not going to go over the
5 entire questionnaire with you, I'm just going to ask
6 you about specific parts of it.

7 what do you do at work?

8 PROSPECTIVE JUROR: I'm a specialist, I
9 request pricing from manufacturers for products that
10 they make for the IT department. So I'm, like, I
11 work for a reseller.

12 THE COURT: You say you work for somebody who
13 basically gets prices, gets product and then resells
14 them?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Okay. And how big is that
17 company?

18 PROSPECTIVE JUROR: 500-plus members.

19 THE COURT: And the one you're at now, you
20 have not worked for that long?

21 PROSPECTIVE JUROR: No, just 9 months.

22 THE COURT: And have you worked for similar
23 businesses?

24 PROSPECTIVE JUROR: Yes, I've worked for IBM.

25 THE COURT: And how long did you work for

1 them?

2 PROSPECTIVE JUROR: IBM, 4 and a half years.

3 THE COURT: And before that?

4 PROSPECTIVE JUROR: LaSalle Bank, ABN Amro
5 for 25 years.

6 THE COURT: what did you do for the banks?

7 PROSPECTIVE JUROR: All in the IT procurement
8 department.

9 THE COURT: okay. So, basically, a lot of
10 this is for bid pricing?

11 PROSPECTIVE JUROR: Yes. Quotes, bid
12 pricing.

13 THE COURT: Yeah.

14 Do you supervise anybody at work now?

15 PROSPECTIVE JUROR: No, I don't.

16 THE COURT: But you have in the past?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: And when was that?

19 PROSPECTIVE JUROR: That was when I was at
20 LaSalle Bank, ABN Amro.

21 THE COURT: Okay. How many did you supervise
22 then?

23 PROSPECTIVE JUROR: Up to 22 people off and
24 on, because I was at the company for 25 years in
25 various positions.

1 THE COURT: Your husband is a retired postal
2 police officer?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: How long did he work for them?

5 PROSPECTIVE JUROR: He retired 35 years of
6 service.

7 THE COURT: And where did he work, mostly?

8 PROSPECTIVE JUROR: The main Post Office
9 downtown, that's where he ended at. He was at
10 Forest Park for a while.

11 THE COURT: Is he continuing to work at
12 anything else?

13 PROSPECTIVE JUROR: He worked maybe a month,
14 maybe 60 days at the Illinois State Toll Authority.

15 THE COURT: Okay. He was in the Marine
16 Corps?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: For how long, if you know?

19 PROSPECTIVE JUROR: He came out in '67, '69,
20 whether around there.

21 THE COURT: And then went into the postal
22 service?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: Were you shocked when they found
25 the gun in the purse?

1 PROSPECTIVE JUROR: Absolutely. We don't
2 want to get on that (laughing.) I still get tears
3 in my eyes from that because I was at work and I was
4 just going to get that report; not a good feeling.

5 THE COURT: Right. And what did he say when
6 you came home?

7 PROSPECTIVE JUROR: He thought it was funny
8 because he's a police officer. But it was not a
9 good feeling.

10 THE COURT: You were the subject of a home
11 invasion and a car theft?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: Were you home alone then?

14 PROSPECTIVE JUROR: No, I was not. I was
15 away from home when they broke in.

16 THE COURT: Oh, when they invaded in?

17 PROSPECTIVE JUROR: Yes. And the car theft,
18 they just stole it from in front of my house.

19 THE COURT: And no one was ever caught for
20 that?

21 PROSPECTIVE JUROR: No.

22 THE COURT: The crime with respect to your
23 brother, how long ago was that?

24 PROSPECTIVE JUROR: That's been about
25 20 years, too.

1 THE COURT: And somebody was convicted for
2 that?

3 PROSPECTIVE JUROR: Yes, he was.

4 THE COURT: The only reason you consulted a
5 lawyer is to purchase real estate?

6 PROSPECTIVE JUROR: Correct.

7 THE COURT: And, on occasion, your husband,
8 when he did his work, had to testify in the court?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: Your principal source of news?

11 PROSPECTIVE JUROR: Probably the television.

12 THE COURT: Now, do you watch a lot of news
13 or just a little?

14 PROSPECTIVE JUROR: I tried to avoid it as
15 much as possible.

16 THE COURT: Okay. Do you listen to a lot of
17 radio?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: And mostly Moody?

20 PROSPECTIVE JUROR: Yes; all Moody.

21 THE COURT: All Moody.

22 And you saw a little about this case on
23 television?

24 PROSPECTIVE JUROR: Yeah, because, you know,
25 I really don't watch regular channels. I watch

1 cable that does not have a lot of commercials.

2 THE COURT: Your employer has some concern
3 about your serving on this jury. Have they
4 discussed that with you?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: And they're talking about your
7 doing backup, is that what you're doing?

8 PROSPECTIVE JUROR: My supervisor went on
9 maternity leave March 17th, and so I am the main
10 primary person doing all of the work now for the
11 role that I'm in.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR: They have one additional
14 person that they pulled over because they also had a
15 gentleman that quit around the same time she was
16 getting ready to go on maternity leave.

17 THE COURT: Okay. Thank you.

18 (Prospective juror exited the courtroom, and the
19 following proceedings were had herein:)

20 (Brief pause).

21 (Prospective juror entered the courtroom, and
22 the following proceedings were had herein:)

23 THE COURT: Your name today is 108.

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: We're not using your real name.

1 PROSPECTIVE JUROR: My name is Martha
2 Morales.

3 THE COURT: Don't tell me your name.

4 PROSPECTIVE JUROR: Okay. I'm sorry.

5 THE COURT: That's all right. There's no
6 harm done. But I'm still going to call you 108.

7 PROSPECTIVE JUROR: Okay.

8 THE COURT: You indicated -- the question is:
9 "Do you difficulty reading or speaking or
10 understanding written or spoken language."
11 You checked both yes and no.

12 PROSPECTIVE JUROR: Uh-huh. I know. I don't
13 speak a lot of English, you know. Only I speak a
14 little bit.

15 THE COURT: Okay. And you were born in
16 Ecuador?

17 PROSPECTIVE JUROR: Yes, I was born in
18 Ecuador, but I got 41-year in Chicago -- in Chicago.

19 THE COURT: Okay. And how long have you been
20 working at the same place?

21 PROSPECTIVE JUROR: 5 years.

22 THE COURT: And before you worked at the
23 place where you are now, did you do the same kind of
24 work at another place?

25 PROSPECTIVE JUROR: Yeah, I work at another

1 place, I work in hospital. I work in HLF, it's
2 laundromat, I work in my company, I work in the
3 store, too. I make a demo, lady.

4 THE COURT: Ever been on a jury before?

5 PROSPECTIVE JUROR: One time in 26th and
6 California.

7 THE COURT: Okay. Did you actually sit on a
8 jury and decide the case?

9 PROSPECTIVE JUROR: Ah, No, they don't say --
10 only watch TV and do -- I see the case, that's all,
11 nothing else.

12 THE COURT: Do you watch news on television?

13 PROSPECTIVE JUROR: No, got no time.

14 THE COURT: When you watch television, do you
15 watch English or Spanish television?

16 PROSPECTIVE JUROR: In Spanish.

17 THE COURT: Okay. Thank you.

18 PROSPECTIVE JUROR: You're welcome.

19 (Prospective juror exited the courtroom, and the
20 following proceedings were had herein:)

21 THE COURT: 109 did not appear, so we're
22 going to 110 and then we're going to take a break at
23 12:30.

24 (Brief pause).

25 (Prospective juror entered the courtroom, and

1 the following proceedings were had herein:)

2 THE COURT: Hi. For today your name is 110.

3 I'm not going to over the entire

4 questionnaire with you, but I'm just going to ask a
5 few particular ones.

6 Now, were you laid off previously?

7 PROSPECTIVE JUROR: I was laid off in
8 January.

9 THE COURT: Okay. And what kind of work were
10 you laid off from?

11 PROSPECTIVE JUROR: Financial services.

12 THE COURT: And what, specifically, did you
13 do in financial services?

14 PROSPECTIVE JUROR: Profitability analysis
15 for a credit card company.

16 THE COURT: And your training, it says here,
17 is applied math with economics?

18 PROSPECTIVE JUROR: That's my degree, yes.

19 THE COURT: And you have an M.B.A. as well,
20 is that correct?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: And you just got offered a job
23 which starts on May 2nd, 2011?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: Same kind of work?

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: And the only thing that would
3 stop that is if you flunked the background check?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: And you're not likely to --

6 PROSPECTIVE JUROR: Hopefully not. Don't
7 plan on it.

8 THE COURT: Okay. And your previous
9 employment was with a large bank, is that correct?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: And you have programming and data
12 modeling skills.

13 PROSPECTIVE JUROR: Correct.

14 THE COURT: What relative of yours was in the
15 military?

16 PROSPECTIVE JUROR: My wife's nephew.

17 THE COURT: When that incident occurred in
18 college, was anybody ever charged in connection with
19 that?

20 PROSPECTIVE JUROR: No.

21 THE COURT: Do you know why they weren't?

22 PROSPECTIVE JUROR: I just never -- it was
23 just an isolated incident.

24 THE COURT: Okay.

25 And you went to small claims court yourself?

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: You won?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: How many times did you have to go
5 to claims court?

6 PROSPECTIVE JUROR: Just once.

7 THE COURT: Just the one?

8 PROSPECTIVE JUROR: Yeah.

9 THE COURT: So you were pretty satisfied with
10 everything?

11 PROSPECTIVE JUROR: Yeah, except for the
12 follow-up with the defendant. They didn't follow
13 through and --

14 THE COURT: Actually collect.

15 PROSPECTIVE JUROR: Collect, yes. Until he
16 decided he had to leave the state, he couldn't.

17 THE COURT: You did once consult a lawyer, is
18 that correct?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: And that had to do with something
21 that happened with a prior employment?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: The immediate prior employment?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: And you decided not to pursue it?

1 PROSPECTIVE JUROR: Nothing has happened at
2 this point, no.

3 THE COURT: Might something still happen?

4 PROSPECTIVE JUROR: It could. It's -- I
5 don't know where that's going. My guess is, it
6 probably won't, but

7 THE COURT: You said in the court hearing,
8 this is the one where you were pro se, that you
9 weren't allowed to speak because the defendant kept
10 talking?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: You won anyway?

13 PROSPECTIVE JUROR: I won anyway.

14 THE COURT: Right.

15 PROSPECTIVE JUROR: I think he talked too
16 much.

17 THE COURT: Right. It's probably true.

18 You were asked a question whether you had
19 strong opinions, positive or negative, about
20 politics or politicians, and what you said:

21 "Yes I have strong opinions."

22 And you said:

23 "... not about all, but more and more I feel
24 that most politicians are corrupt in one way or
25 another."

1 That is your view?

2 PROSPECTIVE JUROR: I think more and more
3 lately I felt that. I never really was in politics
4 and didn't really follow it a lot, but more and more
5 I -- I guess I have seen more issues and maybe I'm
6 just paying more attention to it now.

7 THE COURT: One of the main things that we
8 ask jurors to do is, we ask them to judge
9 individuals as individuals, not what they did or
10 what most people like them do. And the question is,
11 if you sat on a jury like this, would you be capable
12 of making your judgment on the basis of the evidence
13 about this particular individual as opposed to what
14 you think others in the same position might have
15 done, do you think you'd be able to do that?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: Okay. It's also clear, based on
18 your answer to another question, that--and I'm
19 trying to put this in as mild a way as I can--that
20 you do not personally hold this particular defendant
21 in this case in high regard, is that fair to say?

22 PROSPECTIVE JUROR: I think there's -- ah,
23 yes.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR: Yeah.

1 THE COURT: Now, the question is, and I think
2 I've alluded to this in my opening comment to the
3 jury is is that no one is going to ask you to
4 approve, or disapprove, or praise, or like, or
5 dislike, they're just going to ask you if the
6 government has proved its charges against the
7 defendant.

8 Now, if you don't approve the defendant or
9 you don't like the defendant, that's not what the
10 issue is. My question is, your view, general
11 opinion now, having heard none of the evidence in
12 this case, is that you don't think much of the
13 defendant, is that going to make it impossible for
14 you, difficult for you, or make you unable to decide
15 the case on what you're supposed to decide it on,
16 which is the government's evidence? In other words,
17 can you do your duty as a juror?

18 PROSPECTIVE JUROR: I think I could, yeah.

19 THE COURT: Okay. Have you spent a lot of
20 time in sports?

21 PROSPECTIVE JUROR: I enjoy sports. My kids
22 play sports, I do that.

23 THE COURT: Right. And you actually listen
24 to Mike & Mike a lot?

25 PROSPECTIVE JUROR: When I used to go to work

1 every morning, I did, yeah.

2 THE COURT: Okay. And let me ask it to you
3 in a -- I think you have told me that you could set
4 aside whatever bias you have and whatever low
5 opinion you might have as you sit here today with
6 respect to the defendant. And I believe what you're
7 telling me is that you could, in fact, be a good
8 juror in this case, but the one thing that's
9 stopping you is the fact that you've been laid off
10 and you got a job beginning not too far future and
11 it's basically an economic disaster for you if you
12 don't take that job, is that basically what your
13 position is?

14 PROSPECTIVE JUROR: Yes, Yes, that's a
15 perfect way to frame it.

16 THE COURT: Right. You could do the job
17 correctly, but it's too great a price for you, is
18 that your position?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Okay. Thank you.

21 (Prospective juror exited the courtroom, and the
22 following proceedings were had herein:)

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THE COURT: We're going to take a one hour recess.

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The marshal: All rise.

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This court is suspended from 1:30 to 5:00 p.m.

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(Luncheon recess taken from 12:35 o'clock p.m. to 1:50 o'clock p.m.)

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,

Government,

vs.

ROD BLAGOJEVICH,

Defendant.

No. 08 CR 888

Chicago, Illinois

April 21, 2011

1:50 o'clock p.m.

VOLUME 1
TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JAMES B. ZAGEL
AND A JURY

For the Government:

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1 THE CLERK: All rise.

2 (The following proceedings were had in open
3 court:)

4 THE CLERK: This court resumes in session.
5 Please be seated.

6 THE COURT: Give me a moment.
7 (Brief pause)

8 THE COURT: We are passing over 112 because
9 too much of the questionnaire has not been
10 completed. We're asking for it to be completed in
11 the interim.

12 (Prospective juror entered the courtroom, and
13 the following proceedings were had herein:)

14 THE COURT: Today your name is 113.

15 How long have you been -- I'm not to go over
16 everything on the questionnaire, just a few things.

17 How long have you been under treatment for
18 diabetes?

19 PROSPECTIVE JUROR: For diabetes?

20 THE COURT: Yeah.

21 PROSPECTIVE JUROR: Almost 40 years.

22 THE COURT: Has the therapy changed over a
23 period of time?

24 PROSPECTIVE JUROR: A little bit; not much.

25 THE COURT: So this routine which, you

1 described in your request for deferral, has been
2 going on for a very long time?

3 PROSPECTIVE JUROR: The routine that I'm
4 doing now has probably been going on since about
5 2003.

6 THE COURT: Now, do you actually eat at
7 pretty much the same time every day?

8 PROSPECTIVE JUROR: Yeah; that's correct.

9 THE COURT: And how do you check your blood
10 glucose?

11 PROSPECTIVE JUROR: with a blood glucose
12 meter.

13 THE COURT: Okay. And you do that 6 times a
14 day?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: Is that also specific times?

17 PROSPECTIVE JUROR: Usually around a certain
18 time; pretty close.

19 THE COURT: And what do you do at work?

20 PROSPECTIVE JUROR: I'm a laboratory aid in a
21 research facility at a university.

22 THE COURT: And, physically, what do you do
23 to do that job?

24 PROSPECTIVE JUROR: Some lifting, some
25 moving; nothing real strenuous.

1 THE COURT: Have you ever served on a jury
2 before?

3 PROSPECTIVE JUROR: No.

4 THE COURT: Have you ever been summoned for
5 jury duty before?

6 PROSPECTIVE JUROR: No.

7 THE COURT: You do insulin 3 times a day?

8 PROSPECTIVE JUROR: No, actually twice a day.

9 THE COURT: Now it's twice a day?

10 PROSPECTIVE JUROR: Yes, twice a day. It's
11 always been twice a day -- well, actually, when I
12 first started out it was once a day, then they put
13 me on twice a day, I'm on twice a day currently.

14 THE COURT: Your doctor thinks that given
15 your condition, plus the need to take certain breaks
16 on a frequent basis, it would make it difficult for
17 you to serve on a jury, do you agree with him?

18 PROSPECTIVE JUROR: Yes, I do.

19 THE COURT: I'm going to excuse you.

20 (Prospective juror exited the courtroom, and the
21 following proceedings were had herein:)

22 (Brief pause).

23 (Prospective juror entered the courtroom, and
24 the following proceedings were had herein:)

25

1 THE COURT: You're number 114?

2 PROSPECTIVE JUROR: Yes, sir.

3 THE COURT: What do you do at work?

4 PROSPECTIVE JUROR: I'm a staff accountant.

5 THE COURT: And you have a degree in

6 accounting, is that correct?

7 PROSPECTIVE JUROR: Yes, I do.

8 THE COURT: Do you also have an M.B.A.?

9 PROSPECTIVE JUROR: Yes, international

10 business.

11 THE COURT: And you work for a law firm?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: Do you do anything specific
14 there? Do you have specific projects?

15 PROSPECTIVE JUROR: well, a lot of ad hoc
16 projects, but mostly I compile financial reports,
17 month-end, close for the month and close, and just
18 reports-generating, and then I work with attorneys.

19 THE COURT: And how long have you been at the
20 law firm?

21 PROSPECTIVE JUROR: well, it's gonna be
22 2 years next month.

23 THE COURT: And before there, where did you
24 work?

25 PROSPECTIVE JUROR: I worked at a utilities

1 company, UI. It's called Utilities, Inc.

2 THE COURT: The same kind of work or
3 different work?

4 PROSPECTIVE JUROR: Yes, same kind, but more
5 of financial analysis there.

6 THE COURT: You said on one occasion you were
7 sued. How long ago was that?

8 PROSPECTIVE JUROR: Oh, that's in 2007.

9 THE COURT: Was it resolved?

10 PROSPECTIVE JUROR: Yeah, there was like a
11 judgment, because I couldn't make it to the Court
12 so

13 THE COURT: And is the judgment now paid?

14 PROSPECTIVE JUROR: No, it's not. Working on
15 it.

16 THE COURT: Do you have an agreement with
17 them?

18 PROSPECTIVE JUROR: No.

19 THE COURT: It says here that you were called
20 to testify about something with respect to another
21 accounting firm.

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: And just give me a little idea of
24 what the nature of that one was.

25 PROSPECTIVE JUROR: It was -- okay, it was --

1 it was an issue with taxes, filing taxes, and the
2 firm was being audited by the Internal Revenue
3 Service. So because I was an employee there, I had
4 to testify.

:00PM

5 THE COURT: How did you do that?

6 PROSPECTIVE JUROR: Well, it wasn't in court.
7 I just meant, like, it was -- I met with two of the
8 officials, I think at Starbucks, so it was like a
9 non --

:00PM

10 THE COURT: It was as interview?

11 PROSPECTIVE JUROR: Yeah, an interview.
12 Yeah, basically.

13 THE COURT: And whatever happened to that?

:00PM

14 PROSPECTIVE JUROR: I don't know because
15 shortly after that I left the firm and I started
16 working somewhere else.

17 THE COURT: Hobbies, recreational activities,
18 what do you do?

:01PM

19 PROSPECTIVE JUROR: I read a lot, and for
20 recreation, don't have time right now but I play
21 tennis so

22 THE COURT: How do you get the news?

:01PM

23 PROSPECTIVE JUROR: Now it's mostly in the
24 morning, like TV. So just catch, like, maybe
25 30 minutes of whatever is going on in WGN, and then

1 on the radio, on the way to work, driving, on the
2 radio.

3 THE COURT: Do you ever check the news on the
4 Internet?

5 PROSPECTIVE JUROR: Yeah. Yes, maybe before
6 work. So on Yahoo and MSN.

7 THE COURT: Now, do you like check the news
8 for particular stories or do you just listen to
9 whatever is on?

10 PROSPECTIVE JUROR: It's whatever is on.
11 It's not for specific reasons.

12 THE COURT: I want to ask you about your
13 answer to one particular question.

14 PROSPECTIVE JUROR: Sure.

15 THE COURT: The question was:

16 "Do you have any personal, religious,
17 philosophical, or other beliefs that would make
18 it difficult for you to sit in judgment of
19 another."

20 And you said "yes," so would you explain that
21 to me?

22 PROSPECTIVE JUROR: The reason I said that is
23 because I'm a Christian and I -- I just remembered
24 like a part in the Bible that says you can't judge
25 your fellow, you know, mate or fellow person, so

1 that's the reason why I put that there.

2 THE COURT: And what do you mean by
3 "judging"?

4 well, let me ask it a different way. In a
5 courtroom, generally speaking, you don't judge
6 people in the biblical sense. You make a
7 determination of whether, for example, one side has
8 proved its case or hasn't proved its case as opposed
9 to making a judgment as to whether the person is
10 good or bad. Now, your feeling that you shouldn't
11 judge, does that apply to both of those kinds of
12 things or would it apply only to judging whether
13 somebody is ethically good or ethically bad?

14 PROSPECTIVE JUROR: well, it's just to --
15 because when I was thinking about it yesterday, you
16 know, I just thought -- just so not to judge anyone
17 based on, you know, their actions, because you -- I
18 don't know how to explain this properly, but you
19 don't -- you really can't -- because you have to put
20 people in your position, you know what I mean? You
21 have to actually see if somebody -- like I really
22 don't know how to explain it, but I know what I'm
23 trying to say, I just can't explain it properly. I
24 don't want to be put in that position where I just
25 go, okay, this person is right versus wrong, because

1 sometimes you don't have enough evidence to say, you
2 know, if this person is doing -- is guilty or not
3 guilty, if that makes any sense to you.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR: So that's the only
6 reason.

7 THE COURT: Now, do you do some tax work?

8 PROSPECTIVE JUROR: Yes, I do. Well, before
9 I used to do it.

10 THE COURT: And do you think it could come to
11 an occasion in which you looked at somebody's papers
12 and the tax returns they filed and tell them that
13 they were wrong --

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: -- the way they filed them?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: And that would or would not be
18 judgment?

19 PROSPECTIVE JUROR: In that case, it would
20 really not be judging, to me, because you're just --
21 you know what is wrong -- well, not wrong. You just
22 know, okay, this information is not complete or is
23 not right, and so, in that instance, you're looking
24 at it, like, okay, this is not right, just, you
25 know, provide what is right, you know, in that

1 instance, so I don't think that's judging in that
2 case.

3 THE COURT: Okay. Thank you.

4 (Prospective juror exited the courtroom, and the
5 following proceedings were had herein:)

6 (Brief pause).

7 (Prospective juror entered the courtroom, and
8 the following proceedings were had herein:)

9 THE COURT: Hi. Have a seat, please.

10 PROSPECTIVE JUROR: Thank you.

11 THE COURT: For today your name is 115.

12 PROSPECTIVE JUROR: Okay. Fair enough.

13 THE COURT: I'm going to go over parts of
14 this questionnaire with you, but not all of it.

15 You're a lawyer?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: And how long have you been
18 admitted to the bar?

19 PROSPECTIVE JUROR: Since 1985.

20 THE COURT: So you've been around for a
21 while?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: What kind of work do you now do?

24 PROSPECTIVE JUROR: I am general counsel for
25 a financial services company. So I do corporate,

1 securities, some litigation management, HR, IPA.

2 THE COURT: How long have you basically been
3 in general-counsel type of work?

4 PROSPECTIVE JUROR: If you mean in-house?

5 THE COURT: In-house, yeah.

6 PROSPECTIVE JUROR: Since 1997.

7 THE COURT: Okay. And before that you were
8 in firms?

9 PROSPECTIVE JUROR: Before that I was with
10 the SEC in the enforcement division and prior to
11 that I was in some state and local prosecutions.

12 THE COURT: Okay. You have a list of places
13 that you worked. You were an Assistant State's
14 Attorney in Lake County?

15 PROSPECTIVE JUROR: Correct.

16 THE COURT: You were an Assistant Attorney
17 General in the Illinois Attorney General's Office?

18 PROSPECTIVE JUROR: Correct.

19 THE COURT: What were your assignments in
20 Lake County?

21 PROSPECTIVE JUROR: I was traffic court
22 initially as a prosecutor, and then in misdemeanor
23 court, and then in Felony Review, so, obviously,
24 litigation as a prosecutor, that was in Lake County.
25 And then moving on to the Attorney General's Office,

1 I worked in the general law division, so we
2 prosecuted or defended on behalf of state regulatory
3 agencies.

4 THE COURT: And then after that you went to
5 the SEC?

6 PROSPECTIVE JUROR: After that I spent a
7 brief time in private practice in commercial
8 litigation, and then in approximately 1989 I went to
9 the SEC.

10 THE COURT: And it can be fairly said that
11 you know a lot of people who work for the
12 government, you've encountered a lot of law
13 enforcement officers, and a pretty fair number of
14 attorneys?

15 PROSPECTIVE JUROR: A fair number of what?
16 I'm sorry.

17 THE COURT: Attorneys.

18 PROSPECTIVE JUROR: Yes, I think that's a
19 fair statement.

20 THE COURT: It says here that you have been
21 arrested or convicted of a crime, and it says
22 trespass.

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: When was that?

25 PROSPECTIVE JUROR: 1990.

1 THE COURT: And the charge was dismissed?

2 PROSPECTIVE JUROR: Supervision.

3 THE COURT: And the supervision ended and the
4 charges dismissed?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: Okay.

7 Have you yourself tried cases before a jury?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: And you have, in some cases, made
10 decisions to file criminal charges against another
11 person?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: And you did say that on certain
14 occasions you participated in various attempts to
15 modify the federal securities law?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: Did you do that when you were at
18 the SEC?

19 PROSPECTIVE JUROR: No, I was at a company
20 called Archipelago and as part of that role on the
21 regulatory side, we sought to change certain federal
22 securities laws that we felt were either unfair or
23 inconsistent with our business model.

24 THE COURT: And were you changing laws or
25 regulations?

1 PROSPECTIVE JUROR: We were seeking to change
2 regulations, I guess, or the application of those.

3 THE COURT: You also contributed money to
4 local and federal candidates for office and attended
5 fundraisers for local candidates?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: What kind of candidates?

8 PROSPECTIVE JUROR: Our State Senator that's
9 located in Oak Park, so things of that nature, or
10 our village board. I, at one point, was a member of
11 one of the agencies in our village board and so I
12 would attend certain fundraisers for those
13 individuals.

14 THE COURT: Would you characterize yourself
15 as a politically active person or a person who on
16 occasion participated in supporting elected
17 officials?

18 PROSPECTIVE JUROR: It depends on the issues,
19 but I certainly consider myself aware of various
20 political issues and, when necessary, I think it's
21 important to participate.

22 THE COURT: I want to cover now, leaving
23 aside your claim for deferral on the grounds that
24 you're exceptionally busy, I'll deal with that
25 later, you express what I would say predominantly

1 negative views about public officials and elected
2 officers, and you've expressed some preliminary
3 views with respect to opinions you've had, and in
4 one case you characterized it as a rebuttal
5 presumption, which tells me you went to law school,
6 that would not run in favor of the defendant in this
7 case. But my question to you is whether you can
8 disregard whatever opinions you have and make a
9 judgment based on the evidence and only the evidence
10 you hear in the courtroom in reaching a verdict in
11 this case if you sat, do you understand you can do
12 that?

13 PROSPECTIVE JUROR: Ah --

14 THE COURT: You want me to give you some more
15 about this?

16 PROSPECTIVE JUROR: Sure.

17 THE COURT: And I'll tell you why I ask the
18 question.

19 PROSPECTIVE JUROR: Sure. Sure.

20 THE COURT: The tone of this -- in fact, it's
21 an answer to a question that I think very clearly
22 states the problem we see here about the rules about
23 presumptions of innocence proving beyond a
24 reasonable doubt and you say:

25

1 "...well, typically, I would apply the standard.
2 I honestly feel that in this instance --"
3 and then you go on to serve would be
4 difficult to do.

:15PM

5 PROSPECTIVE JUROR: Sure.

:15PM

6 THE COURT: And what troubled me about this
7 is is you were for a very long period of time
8 engaged in a professional occupation, at least as an
9 Assistant State's Attorney, in which pretty much
10 that's what you have to do all of the time. You get
11 a file, you may actually talk to a prospective
12 defendant, you may be personally convinced that the
13 individual is a rotten egg, but still you have to
14 sit there and say to yourself do I have enough
15 evidence.

:15PM

16 PROSPECTIVE JUROR: Sure.

:15PM

17 THE COURT: So it's something you've actually
18 done professional, you're paid to do it, and my
19 question is is why would it be difficult for you to
20 do it here?

:16PM

21 PROSPECTIVE JUROR: The -- the -- you
22 characterize it as a negative view in terms of
23 politicians, I want to recast that, I think.

24 THE COURT: Sure.

25 PROSPECTIVE JUROR: I think I'm more

1 disappointed in our political system and certain
2 politicians. The difficulty is, as you point out or
3 identify, I'm fairly well-versed in the issues
4 surrounding this matter, and while I would make
5 every attempt to do so, I have formulated an
6 opinion.

7 But, again, I haven't sat in a courtroom, I
8 haven't heard the facts, I haven't heard the
9 arguments. So that's why I characterize it as a
10 rebuttal presumption, can be rebutted, but at the
11 same time, I'm very familiar -- I believe I'm very
12 familiar to media reports, and otherwise, with the
13 facts, at least, as presented in the last trial and,
14 in light of those facts, it would be challenging.

15 THE COURT: I'm not going to dispute that.
16 The question is, can you meet the challenge.

17 PROSPECTIVE JUROR: I'm sorry?

18 THE COURT: Can you meet that challenge?
19 will you meet that challenge?

20 PROSPECTIVE JUROR: If I were sworn in as a
21 juror and that determination was made, then I
22 would -- I would certainly make every good-faith
23 effort to meet that, sure.

24 THE COURT: Is there anything about your
25 experience with the process that you went through at

1 the U.S. Attorney's Office, would any of that affect
2 your ability to be fair here?

3 PROSPECTIVE JUROR: No. To be fair?

4 THE COURT: Yeah, to be fair.

5 PROSPECTIVE JUROR: No.

6 THE COURT: The last thing I want to go
7 through is your concern for what you're doing at
8 work.

9 PROSPECTIVE JUROR: Uh-huh.

10 THE COURT: And I accept the description.
11 what it says here you manage a fairly large number
12 of professionals in, and I quote "a dynamic-time
13 sensitive business" and you exercise discretion as
14 part of management and to be unavailable for a
15 certain period of time might, apart from possibly
16 jeopardizing your position, affect the company
17 itself. The reason I'm asking this question is is
18 there used to be an old practice when you served on
19 a jury, you were lost to outside work.

20 PROSPECTIVE JUROR: Uh-huh.

21 THE COURT: Over the last number of years,
22 particularly in longer trials, I have found that
23 apart from the fact that we don't work on Fridays,
24 people in positions like yours are perfectly capable
25 of managing, partly because we don't take the cell

1 phones away, we don't take computers away, and I
2 have had jurors in positions similar to yours
3 conduct their business and complete their business.
4 It, in many cases, required extra work, requires
5 extra hours. I had one juror in one case who used
6 to go to his office at 5:00 in the morning, which he
7 said was a wonderful experience because he realizes
8 that, in fact, if he goes at 5:00 in the morning he
9 can complete the entire day's work in three hours
10 because his phone never rang.

11 So my question to you is, do you really think
12 you couldn't do it given your ability to communicate
13 with your office while here and the fact that it's
14 four days a week and not five. Answer the question,
15 I'll take your answer.

16 PROSPECTIVE JUROR: Okay. Again, if I
17 were -- if it was decided and I was sworn in to be a
18 juror, I would do whatever I would have to do.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR: The --

21 THE COURT: And bear in mind, I'm not telling
22 you that it's a pleasant experience.

23 PROSPECTIVE JUROR: No, no, no. You know, as
24 has been pointed out, I've pictures and gone through
25 that entire trial process. The challenge is just,

1 as I wrote, that the time-sensitive nature of some
2 of the decisions that have to be made. And I'm not
3 in any way, shape or form saying that my time is
4 more important than anyone else's who sit's on a
5 jury, all I'm saying is that, you know, the question
6 asked whether it would be hardship and I've
7 described the hardship that it would be.

8 THE COURT: Okay. Thank you.

9 PROSPECTIVE JUROR: Thank you.

10 (Prospective juror exited the courtroom, and the
11 following proceedings were had herein:)

12 THE COURT: Give me a second.

13 (Brief pause).

14 THE COURT: Okay.

15 (Prospective juror entered the courtroom, and
16 the following proceedings were had herein:)

17 THE COURT: You're Mr. 116?

18 PROSPECTIVE JUROR: Yes, Your Honor.

19 THE COURT: You are now retired?

20 PROSPECTIVE JUROR: Yes, sir.

21 THE COURT: What did you do?

22 PROSPECTIVE JUROR: I owned an auto repair
23 shop.

24 THE COURT: Big shop, small shop?

25 PROSPECTIVE JUROR: Small shop.

1 THE COURT: And you did some or a good deal
2 of work yourself?

3 PROSPECTIVE JUROR: Originally, and then it
4 became too large to do that, ten employees, so I
5 became just an owner-manager at that time.

6 THE COURT: And how long did you have that
7 business?

8 PROSPECTIVE JUROR: 20 years.

9 THE COURT: And at its height, how many
10 employees did you have?

11 PROSPECTIVE JUROR: Approximately ten.

12 THE COURT: And your father was in the same
13 business?

14 PROSPECTIVE JUROR: My father was an auto
15 body technician.

16 THE COURT: You did 2 years in the Army?

17 PROSPECTIVE JUROR: Yes, Your Honor.

18 THE COURT: What was your rank on discharge?

19 PROSPECTIVE JUROR: Specialist 5.

20 THE COURT: And where did you serve?

21 PROSPECTIVE JUROR: I served in Vietnam.

22 THE COURT: How long was the tour?

23 PROSPECTIVE JUROR: My tour was 1 year.

24 THE COURT: Eventually you sold your
25 business?

1 PROSPECTIVE JUROR: About 3 years ago, yes,
2 sir.

3 THE COURT: Okay. And you had a lawyer for
4 that?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: Have you ever had a lawyer for
7 any other reason?

8 PROSPECTIVE JUROR: No -- ah, real estate
9 closings.

10 THE COURT: Did you serve on a jury before?

11 PROSPECTIVE JUROR: Over 10 years ago, yes, I
12 did.

13 THE COURT: Criminal or civil, if you
14 remember?

15 PROSPECTIVE JUROR: DUI, criminal.

16 THE COURT: Did the jury reach a verdict?

17 PROSPECTIVE JUROR: Yes, they did.

18 THE COURT: You were a member of the union?

19 PROSPECTIVE JUROR: I was a member of the
20 union originally when I was a body technician.

21 THE COURT: Right. Did you keep up your
22 membership when you had the body shop?

23 PROSPECTIVE JUROR: I took a union withdrawal
24 card at that time.

25 THE COURT: Okay.

1 Donate money to the Humane Society?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: What do you do now?

4 PROSPECTIVE JUROR: I'm retired.

:25PM

5 THE COURT: But what do you do now?

6 PROSPECTIVE JUROR: As little as possible.

7 THE COURT: Right. What is it that you would
8 want to do if --

:25PM

9 PROSPECTIVE JUROR: I do some woodworking,
10 occasionally I'll go target shooting, things of that
11 nature; see a movie, never did that before.

12 THE COURT: Where do you get your news?

13 PROSPECTIVE JUROR: I'm sorry?

14 THE COURT: Where do you get news from?

:25PM

15 PROSPECTIVE JUROR: What do I?

16 THE COURT: Where do you get your news from?
17 Television, newspapers?

18 PROSPECTIVE JUROR: Oh, newspapers, 10:00
19 o'clock news, basically Internet.

:26PM

20 THE COURT: Do you make a distinct effort to
21 catch the news every day?

22 PROSPECTIVE JUROR: No.

23 THE COURT: What papers do you read?

:26PM

24 PROSPECTIVE JUROR: The Tribune, we have a
25 local Daily Herald and the Wall Street Journal.

1 THE COURT: You answered the question, which
2 is that everybody was asked:

3 "Have you formed any opinion based on what you
4 have observed in terms of accounts of trials?"

5 And you answered that in your opinion:

6 "... based on news accounts, my personal bias
7 is that he is guilty."

8 PROSPECTIVE JUROR: That is correct.

9 THE COURT: Okay. Now, my question to you
10 is, the job of the jury--which most people can do,
11 but some can't--the job of the jury is to put aside
12 whatever attitudes they come to court with, in fact
13 to put to one side all the things that they heard
14 about before they ever got into the jury box to
15 listen to the evidence and to decide the case solely
16 on the basis of what they see and hear in the
17 courtroom. And, in fact, to be more precise, what
18 they see and hear in terms of evidence, which is
19 offered in the courtroom, and then to determine on
20 the basis of that evidence whether the government
21 has proved its case beyond a reasonable doubt, which
22 is what the government has to do. Now, the question
23 is, can you do that? Can you set aside the prior --

24 PROSPECTIVE JUROR: I believe so.

25 THE COURT: Okay. Then one other question,

1 and it's the last one I'm going to ask you. Pretty
2 much every jury gets asked a question like this
3 sometime or another in almost every kind of case,
4 criminal case:

5 "... a person accused of a crime does not have
6 to testify in his defense or present any
7 evidence or present any witnesses and the
8 silence may not be used against him, can you
9 abide by this constitutional requirement?"

10 You said yes, and then you wrote:

11 "... except every chance he gets he keeps
12 saying he will testify. I think I would hold
13 it against him if he did not testify."

14 Now, my question to you is -- my instruction
15 to you is followed by a question: You can't hold it
16 against him. The rule is you can't do that. My
17 question is, will you follow my rule rather than
18 your inclination?

19 PROSPECTIVE JUROR: All I could say is, I
20 would try but I think I would have a bias against
21 the defendant simply because of the numerous times
22 that he said he wanted to testify and would testify
23 and did not do so. In this trial, if he didn't do
24 so, I think that would be somewhere in my mind.

25 THE COURT: Okay. which leads to the next

1 question, because I didn't ask you if you would
2 abandon that thought.

3 PROSPECTIVE JUROR: I would try.

4 THE COURT: The question is, can you
5 disregard it when you reach a decision?

6 PROSPECTIVE JUROR: I think I could, but I
7 can't say for sure, Your Honor.

8 THE COURT: Okay. Thank you.

9 (Prospective juror exited the courtroom, and the
10 following proceedings were had herein:)

11 (Brief pause).

12 THE COURT: Give me a second. I have a lot
13 of paper up here and I have to try to straighten it
14 out.

15 (Brief pause).

16 THE COURT: All right.

17 (Prospective juror entered the courtroom, and
18 the following proceedings were had herein:)

19 THE COURT: Number 117?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Have you started the job?

22 PROSPECTIVE JUROR: Yeah.

23 THE COURT: When did you start?

24 PROSPECTIVE JUROR: The 21st of last month.

25 THE COURT: And what do you do?

1 PROSPECTIVE JUROR: I'm project coordinator,
2 subcontractor, construction.

3 THE COURT: Right. And what are you
4 coordinating and constructing?

5 PROSPECTIVE JUROR: Right now I'm doing fire
6 sprinklers. I don't even know my whole --
7 everything I do yet, I just started.

8 THE COURT: Right. Before you had this job,
9 what did you do?

10 PROSPECTIVE JUROR: I worked for a
11 construction management company, all commercial
12 buildings.

13 THE COURT: And you went to college?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: And in college your major area of
16 study was construction management?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: What led you to construction
19 management?

20 PROSPECTIVE JUROR: I always wanted to do
21 residential side and the economy kind of slipped
22 when I was graduating, so I started commercial. My
23 dad used to be involved in building houses and
24 stuff.

25 THE COURT: So it's sort of the family

1 business?

2 PROSPECTIVE JUROR: Yes. He has nothing to
3 do with it now.

4 THE COURT: And you basically worked for
5 companies that do this stuff?

6 PROSPECTIVE JUROR: Uh-huh.

7 THE COURT: Now, have you ever consulted a
8 lawyer for any reason or hired a lawyer?

9 PROSPECTIVE JUROR: No.

10 THE COURT: Have you dealt with lawyers at
11 all in dealing with construction?

12 PROSPECTIVE JUROR: I don't deal with it at
13 my level, no. I mean, I know there's cases that
14 would go on based on pay, but I was never involved.
15 I don't know any of the cases.

16 THE COURT: It's after it's built that the
17 lawyers start coming in?

18 PROSPECTIVE JUROR: Yeah; I've always been
19 involved in the front end, estimating, purchasing
20 part.

21 THE COURT: What do you do for fun?

22 PROSPECTIVE JUROR: Hang out, play coed
23 softball; just go out with my friends.

24 THE COURT: Now, do you like building things
25 yourself?

1 PROSPECTIVE JUROR: Ah, no, I like to be
2 creative and crafty, but I don't -- I've never built
3 a house or I don't do any labor.

4 THE COURT: Do you read the news?

5 PROSPECTIVE JUROR: I watch the news a lot.

6 THE COURT: Okay. Do you have like a regular
7 routine for following the news?

8 PROSPECTIVE JUROR: Yeah, I watch it in the
9 morning while getting ready, you know, here and
10 there, try to catch it when I get home, I usually
11 watch the 10:00 o'clock.

12 THE COURT: Do you read any particular
13 magazines or books?

14 PROSPECTIVE JUROR: No.

15 THE COURT: Do you take a look of materials
16 in construction management, articles, things of that
17 sort, do you keep up with that?

18 PROSPECTIVE JUROR: Not regularly. I mean,
19 if there's something new and exciting, I'll glance
20 over and read it.

21 THE COURT: It says here that you really have
22 no interest in the political world and with respect
23 to news about this case, you, I think, said "zoned
24 out," is it true that?

25 PROSPECTIVE JUROR: Usually when the

1 political anything goes on, I mean, I'm watching the
2 news, you hear bits and pieces, but I'm not -- I'm
3 not interested in it. It's usually about, oh,
4 another something corrupt or -- I have no passion,
5 no reason to watch it, listen.

6 THE COURT: In some of these questions, you
7 say that you have heard the opinions of a lot of
8 other people about the defendant in this case, and
9 then you say that you don't know enough about the
10 facts to give or form an opinion, is that correct?

11 PROSPECTIVE JUROR: I'm a -- I feel like I'm
12 a fair person, so based on everything I hear and
13 what I think one way, but I don't have any firm
14 evidence. I mean, I don't follow the case, I don't
15 have any firm facts, I don't know --

16 THE COURT: When you're a juror in a case,
17 you're supposed to actually put aside anything where
18 you don't have the facts and listen to the facts as
19 you hear them in the courtroom and decide on that,
20 and that alone. Is that what you have in mind, that
21 that's what a juror should do?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: Okay. And if by some chance you
24 have previously formed an opinion, one way or the
25 other, that old opinion would just go out the window

1 and you would make a new opinion based only on the
2 evidence hear in court, do you think you'd do that?

3 PROSPECTIVE JUROR: I'd like to -- I mean,
4 I've never been in this situation. I would like to
5 say yes, that's how I feel. I have based this
6 opinion on just little things. I mean, I don't know
7 the whole case, I don't know anything, so I'd like
8 to say I would come in open-minded.

9 THE COURT: Okay. Thanks.

10 (Prospective juror exited the courtroom, and the
11 following proceedings were had herein:)

12 (Brief pause).

13 (Prospective juror entered the courtroom, and
14 the following proceedings were had herein:)

15 THE COURT: Hi, you're 118 for today.

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: The first thing I want to ask you
18 about is is that when you were asked about hearing
19 or vision, you said that sometimes if there's
20 background noise, you have a hard time hearing.

21 PROSPECTIVE JUROR: That's right.

22 THE COURT: Are you having a hard time
23 hearing me?

24 PROSPECTIVE JUROR: No, I am not.

25 THE COURT: And background noise would be

1 what? Say, a bunch of people who are now sitting?

2 PROSPECTIVE JUROR: If there are people,
3 other people talking sometimes in, you know, the
4 surrounding area, sometimes I have a hard time
5 hearing. For instance, if I'm in a restaurant and
6 there are other people talking, I sometimes have a
7 hard time hearing what the people I'm with are
8 saying.

9 THE COURT: Okay. Well, the reason I ask
10 that question is is that pretty much there are no
11 background conversations in the courtroom, but I
12 just wanted to make sure.

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: You're a substitute teacher?

15 PROSPECTIVE JUROR: Yes, sir.

16 THE COURT: What do you teach?

17 PROSPECTIVE JUROR: I teach anywhere from
18 pre-K to 8th grade. Every days is a surprise.

19 THE COURT: And how many days a week would
20 you work, ordinarily?

21 PROSPECTIVE JUROR: Depending on when they
22 call me. I average about four days a week.

23 THE COURT: Okay. You like that work?

24 PROSPECTIVE JUROR: It wouldn't be my first
25 choice, no.

1 THE COURT: Would it make the top 10?

2 PROSPECTIVE JUROR: Might make 10.

3 THE COURT: Might make 10.

4 And you work for another company for, it
5 says, 22 years?

6 PROSPECTIVE JUROR: That's correct.

7 THE COURT: Still working for them?

8 PROSPECTIVE JUROR: No, sir. I was laid off,
9 that's how I started substitute teaching.

10 THE COURT: Okay. How long ago were you laid
11 off?

12 PROSPECTIVE JUROR: I was laid off in 2002.

13 THE COURT: You been a teacher before that?

14 PROSPECTIVE JUROR: No. I have a teaching
15 degree, and after I student taught I decided that
16 wasn't what I wanted to do my whole life, so I
17 started to work in an office.

18 THE COURT: And worked as a temporary in a
19 government office?

20 PROSPECTIVE JUROR: That's right.

21 THE COURT: Was that a city office?

22 PROSPECTIVE JUROR: It was for the State of
23 Illinois, in liquor and cigarettes.

24 THE COURT: How long did you work there?

25 PROSPECTIVE JUROR: I only worked there for a

1 summer.

2 THE COURT: You ever hire a lawyer for any
3 reason?

4 PROSPECTIVE JUROR: Pardon me?

5 THE COURT: Ever hire a lawyer for any
6 reason?

7 PROSPECTIVE JUROR: Other than for a will,
8 no.

9 THE COURT: You reported a car stolen once?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: To whom did you report it to?

12 PROSPECTIVE JUROR: To the police, to the
13 Chicago Police Department.

14 THE COURT: How about the home theft?

15 PROSPECTIVE JUROR: To the Chicago police.

16 THE COURT: Two separate instances?

17 PROSPECTIVE JUROR: Yes, sir. And a long
18 time ago.

19 THE COURT: And you dealt with the IRS?

20 PROSPECTIVE JUROR: Recently.

21 THE COURT: And what was that about?

22 PROSPECTIVE JUROR: My husband retired and he
23 has a financial agency, you know, working his money
24 and they put an "x" on the wrong box and now the IRS
25 is double-checking to see -- they say we owe them

1 money, but the wrong box was crossed, so they have
2 to redo the paperwork and hopefully we don't owe
3 anything.

4 THE COURT: Right. Were they polite to you,
5 the IRS?

6 PROSPECTIVE JUROR: I didn't deal with them.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR: The gentleman that is
9 handling my husband's money is dealing with them.

10 THE COURT: Okay.

11 Now, you say here that your son-in-law and
12 your family helped raise funds for a political
13 party?

14 PROSPECTIVE JUROR: Correct.

15 THE COURT: Now, was that something you
16 participated in?

17 PROSPECTIVE JUROR: No, sir.

18 THE COURT: Do you have much interest in
19 politics?

20 PROSPECTIVE JUROR: No.

21 THE COURT: You were asked if you have strong
22 opinions about politics and politicians, and the
23 answer you gave was:

24

25 "I don't feel any politician plays directly by

1 the book. In order to achieve their goals,
2 they make deals but most deals include personal
3 gain."

4 The reason I read that to you is, if you sit
5 on a jury, a jury like this one, we're not going to
6 be dealing with politicians in, general, or what
7 most of them do, or what some of them do, the issue
8 is going to be whether a particular defendant in
9 this case took steps which were against the law and
10 whether the government has proved this or not proved
11 it beyond a reasonable doubt.

12 And my question is, can you separate your
13 views on what most politicians might do or might not
14 do from the decision process in which you were asked
15 to decide whether at certain specific times and in
16 certain specific ways the defendant did something
17 that violated the law and whether that's proved
18 beyond a reasonable doubt, can you do that focusing
19 on just this case?

20 PROSPECTIVE JUROR: I believe so.

21 THE COURT: The most important source of news
22 for you?

23 PROSPECTIVE JUROR: Say again?

24 THE COURT: Most important source of news for
25 you?

1 PROSPECTIVE JUROR: Radio.

2 THE COURT: Now, does that mean you listen to
3 news radio 10 hours a today or 10 minutes a day?

4 PROSPECTIVE JUROR: When I leave my home and
5 go to work. Back and forth from work.

6 THE COURT: And you are covered by the
7 Teachers Retirement System of Illinois?

8 PROSPECTIVE JUROR: I worked in the suburbs
9 for a small period of time, and at that time I was
10 contributing to that pension. Now I'm working for
11 Chicago Public Schools --

12 THE COURT: Right.

13 PROSPECTIVE JUROR: -- so I'm in that pension
14 fund.

15 THE COURT: It also says here that at times,
16 at least when you filed this out, you feel that the
17 former governor wasn't playing fair.

18 PROSPECTIVE JUROR: That's correct.

19 THE COURT: And what I want to ask you is,
20 you're not going to be deciding whether he's playing
21 fair or whether he's nice or not, you're going to be
22 asked to decide whether he committed a federal crime
23 and whether the government has proved that beyond a
24 reasonable doubt, do you understand that those are
25 two separate issues?

1 PROSPECTIVE JUROR: Yes, sir.

2 THE COURT: Do you understand he could be a
3 not nice man and an unfair man and still those two
4 things, by themselves, don't constitute a criminal
5 offense, do you understand this?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: You are also asked about a series
8 of questions about something that you've seen or
9 heard or read usually about this case, and whether
10 anything would affect you, and you answered
11 "unsure."

12 PROSPECTIVE JUROR: That's correct.

13 THE COURT: What did you mean by saying
14 "unsure"?

15 PROSPECTIVE JUROR: By that I meant, until I
16 hear whatever I hear in court, I mean, I can't
17 answer that question, that particular question,
18 without knowing what else is going on to make a fair
19 decision.

20 THE COURT: So are you telling me that what
21 you're going to rely on is what you hear in court?

22 PROSPECTIVE JUROR: Correct.

23 THE COURT: And not anything you heard
24 outside?

25 PROSPECTIVE JUROR: Correct.

1 THE COURT: Okay. And then there were three
2 other "sure" answers you gave and I want to go over
3 those with you. One was the rule which says that if
4 a person does not testify on his own defense, you
5 can't hold that against him, and you were asked if
6 you could abide by that rule. Also, there's a rule
7 which says that the defendant doesn't have to
8 present any evidence and doesn't have to prove that
9 he's innocent, the government has to prove beyond a
10 reasonable doubt that he's guilty and you're asked
11 would you be able to follow that. And, finally, it
12 says that you can't think in any way that a
13 defendant is guilty just based on the fact that he
14 was indicted or charged with the offense, and you
15 were asked would you be able to follow that rule and
16 you said you were unsure about that, too. would you
17 be able to follow those rules?

18 PROSPECTIVE JUROR: I think so.

19 THE COURT: Thank you.

20 PROSPECTIVE JUROR: Thank you.

21 (Prospective juror exited the courtroom, and the
22 following proceedings were had herein:)

23 (Brief pause).

24

25

1 (Prospective juror entered the courtroom, and
2 the following proceedings were had herein:)

3 THE COURT: You are number 119?

4 PROSPECTIVE JUROR: Yes, Your Honor.

5 THE COURT: I'm not going to go through the
6 whole questionnaire, I'm just going to ask you a few
7 pieces about this.

8 what do you do for a living?

9 PROSPECTIVE JUROR: I work as a technical
10 support for engineering and electromotive.

11 THE COURT: what, basically, do you do? what
12 kind of stuff do you do?

13 PROSPECTIVE JUROR: well, some of it I help
14 design, test, locomotives, add on new features,
15 things like emissions to electrical, mechanical.

16 THE COURT: So it's designing and testing?

17 PROSPECTIVE JUROR: Yes, Your Honor.

18 THE COURT: And the other thing you have is
19 you own some property which you rent out?

20 PROSPECTIVE JUROR: I used to and then sold.

21 THE COURT: How long ago?

22 PROSPECTIVE JUROR: In the summer, I believe,
23 of 2003.

24 THE COURT: All right. And you have a fair
25 number of standard skills, according to this,

1 electrician, pipefitter, fabricator?

2 PROSPECTIVE JUROR: Yes, Your Honor.

3 THE COURT: H Vac.

4 PROSPECTIVE JUROR: Systems on locomotives.

5 THE COURT: You have a relative in the Army?

6 PROSPECTIVE JUROR: Yes, Your Honor. A
7 nephew.

8 THE COURT: A nephew. Still on active duty?

9 PROSPECTIVE JUROR: Yes, he's in Afghanistan
10 right now.

11 THE COURT: Have you ever been arrested or
12 convicted of a crime?

13 PROSPECTIVE JUROR: Yes, Your Honor.

14 THE COURT: And what was that?

15 PROSPECTIVE JUROR: I was arrested for
16 assault and battery.

17 THE COURT: And what happened with that?

18 PROSPECTIVE JUROR: It was a jury trial and I
19 was convicted.

20 THE COURT: And what was the penalty?

21 PROSPECTIVE JUROR: I was to go to anger
22 management class and then community service, I don't
23 remember, like 150 hours.

24 THE COURT: Were you ever convicted of
25 anything else?

1 PROSPECTIVE JUROR: No, just DUI.

2 THE COURT: When was the most recent arrest?

3 PROSPECTIVE JUROR: My DUI.

4 THE COURT: In what year?

5 PROSPECTIVE JUROR: 2008.

6 THE COURT: Did you attend the anger
7 management?

8 PROSPECTIVE JUROR: Yes, Your Honor.

9 THE COURT: And did you complete the course?

10 PROSPECTIVE JUROR: Yes, Your Honor.

11 THE COURT: Did it help?

12 PROSPECTIVE JUROR: Ah, that's a loaded
13 question. I don't know. My behavior --

14 THE COURT: Well, I noticed you're not
15 standing up and throwing the microphone at me,
16 so ...

17 PROSPECTIVE JUROR: I'm sorry, Your Honor?

18 THE COURT: You didn't stand and throw the
19 microphone at me, so at least it helped a little.

20 PROSPECTIVE JUROR: Yes, Your Honor.

21 THE COURT: Okay. And you had a nephew who
22 had some -- was that the same nephew who was on
23 active duty?

24 PROSPECTIVE JUROR: No, it was another nephew
25 from another sister. She's currently deceased.

1 THE COURT: what happened with respect to the
2 question where you were asked if you were the victim
3 of a crime?

4 PROSPECTIVE JUROR: That issue was when if I
5 sold the property, there was a starker exchange, and
6 I had entrusted my supposed friend, who was a lawyer
7 at the time but I didn't know he was disbarred. So
8 he put in as a manager at my escrow account, and
9 what had happened was he had convinced me to go into
10 partnership to buy property in Hawaii, and what he
11 really did is take the money and put a mortgage on
12 it and I had no clue what he was doing. So,
13 basically, it went to zero and the property is lost,
14 the business is lost, and I don't know where he's at
15 currently. I had investigated it. Typical, I
16 invested everything in there. I think the sum is
17 written down there, and I never got a dime back.
18 And, you know how those things go, you can have a
19 lot of lawyers chase it down and you'll never get
20 your money back, he already spent it.

21 THE COURT: which leads to my next question,
22 what happened in that case and that investigation,
23 would that affect your ability to be fair here?

24 PROSPECTIVE JUROR: It went any further than
25 the lawyer's office.

1 THE COURT: Yeah, but would it affect your
2 ability to be fair in this case?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: It would affect your ability to
5 be fair?

6 PROSPECTIVE JUROR: Wait a minute.

7 THE COURT: I'm concerned because somebody
8 ripped you off.

9 PROSPECTIVE JUROR: Yes, sir.

10 THE COURT: My question is, the fact that
11 somebody ripped you off in some other cases, would
12 that make it difficult for you to be fair in this
13 case?

14 PROSPECTIVE JUROR: I believe not so, Your
15 Honor.

16 THE COURT: Thank you.

17 Were you once tried by a jury yourself?

18 PROSPECTIVE JUROR: Yes, Your Honor, I was.

19 THE COURT: And how long ago was that?

20 PROSPECTIVE JUROR: It was in 2004.

21 THE COURT: And was that one of the topics
22 you talked about before?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: Talked about -- was that one of
25 the things you talked about before?

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: And on the DUI, you didn't have a
3 trial, you pled guilty?

4 PROSPECTIVE JUROR: Yes, Your Honor.

5 THE COURT: You're a member of rotary?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: Okay. You spend a lot of time in
8 rotary?

9 PROSPECTIVE JUROR: I helped out with the
10 rotary club. We had fundraisers in Downers Grove.

11 THE COURT: Your hobbies?

12 PROSPECTIVE JUROR: I like boating, I kind of
13 like, basically, to fix things, kid's cars and help
14 people out.

15 THE COURT: What do you fix?

16 PROSPECTIVE JUROR: Well, whatever is broken
17 around the house, anything from shingles in the
18 roof, to putting in a water heater or, you know, I
19 constructed a house once.

20 THE COURT: You get a lot of requests for
21 help?

22 PROSPECTIVE JUROR: I try to stay in the
23 loop. I usually get to contract quite a bit with
24 your girlfriend and stuff. Right now I'm helping
25 out my girlfriend.

1 THE COURT: Where do you get your news from?

2 PROSPECTIVE JUROR: Usually in the morning I
3 listen to NPR on my way to work.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR: And then I'll glance at
6 the Internet, I don't find much use with that, but
7 just some business cites I put up on the Internet so
8 I kind of get some basic idea what's going on, Wall
9 Street Journal, something like that. But I don't
10 subscribe to a newspaper, so just keep it general.

11 THE COURT: Do you go on the web? Do you use
12 the Internet?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: Now, do you do that in a
15 systematic way, like every day you check the news?

16 PROSPECTIVE JUROR: Yeah, I pretty much check
17 my e-mail every other day or so.

18 THE COURT: I get the impression from the
19 questions that you answered that you didn't follow
20 this case closely in the media, you knew a little
21 about it but not a lot, is that correct?

22 PROSPECTIVE JUROR: That's correct, Your
23 Honor.

24 THE COURT: And then in one question, you
25 were asked about media and a variety of other

1 things, you gave the answer, your words were:

2 "History will reveal itself."

3 what did you mean by that?

4 PROSPECTIVE JUROR: well, when you look

5 through history, you see people like Ulysses S.

6 Grant, or something like that, of that nature, and,

7 you know, they paint a sore picture of him, and

8 there's a new book out that kind of exonerates him.

9 There was opinions written at the time by Mary Todd

10 Lincoln, and Lincoln himself, that there was a point

11 in time they didn't think he was a very good

12 general, and as time went on he came to be a better

13 general. I can't say anything right off the top of

14 my head that --

15 THE COURT: well, let me ask it to you this

16 way, you're basically saying that opinions change as

17 you hear more evidence?

18 PROSPECTIVE JUROR: Yes, sir.

19 THE COURT: Okay.

20 Then one last question I have for you. You

21 were asked about what you think of the testimony of

22 a law enforcement officer, a police officer, FBI

23 agent, and you said that your personal experience

24 about law enforcement is that they tend to side with

25 the plaintiffs, which I think by this you meant the

1 people who are bringing the charge?

2 PROSPECTIVE JUROR: Yes, Your Honor.

3 THE COURT: What the law requires you to do
4 is to judge their testimony the way you judge the
5 testimony of anybody else and not to start out with
6 the proposition that they're going to favor one side
7 and not to start out with the proposition that
8 they're public officials or well known law
9 enforcement officials and wouldn't lie, you have to
10 start out treating them like everybody else, can you
11 do that and will you do that?

12 PROSPECTIVE JUROR: Yes, Your Honor, I will.

13 THE COURT: Thank you.

14 PROSPECTIVE JUROR: Thank you.

15 (Prospective juror exited the courtroom, and the
16 following proceedings were had herein:)

17 THE COURT: We're going to take a short
18 break. We're not going to break in the courtroom,
19 but don't bring out another juror for the moment.

20 Counsel, you want to approach the lectern.

21 (Brief pause).

22 THE COURT: We are going to do one thing at
23 the side, but you may have noticed I passed over
24 112. I passed over 112 because at the beginning of
25 the questionnaire it appears that he is filling out

1 the questionnaire and then there's a period of time
2 where he starts answering one question a page or two
3 here and there, and then he starts getting many
4 pages where no questions are answered, and then a
5 few here and there. When he was about to be called,
6 I asked the marshal to ask him to fill the rest of
7 the questions out and he stated to the marshal, to
8 my judicial assistant, that he didn't answer the
9 questions because he didn't understand the
10 questions, and that's usually the explanation for
11 something like this. It was, clearly, the
12 explanation for the witness's English language
13 skills were challenged, the same thing. I propose
14 to exclude him. I propose it to you now partly
15 because I think that if I bring him out here, it
16 will cause needless embarrassment.

17 MR. SOROSKY: We have no objection.

18 THE COURT: Okay, then I'm excluding him.

19 And then one thing I want to deal with you is
20 at the side, at sidebar.

21 (Proceedings heard at sidebar on the record.)

22 THE COURT: This is the criminal history
23 reports.

24 Originally when 123, certain turned up, we
25 look at it and it's a no-match. The social security

1 numbers match but the names didn't, the gender
2 didn't, and the birth date didn't. So that's a
3 no-match.

4 105, who didn't show up, has many arrests and
5 some convictions.

6 108, when she was very young, had what looks
7 to me a shoplifting conviction. We're talking about
8 30 years ago, but she's gone, anyway.

9 109 he also didn't show up, he also has a
10 history.

11 None of these are major, but they are what
12 they are.

13 111, who didn't show up, has an arrest for
14 scalping. You don't see that too often.

15 The man we just excused has a Cannabis
16 conviction and something else, I just can't read my
17 writing, but he had two of them.

18 MS. HAMILTON: 119, Your Honor?

19 THE COURT: Yeah.

20 The lawyer, 115, I believe referred to a
21 conviction he had. There's another thing that shows
22 up on his sheet, but I'm pretty sure it's not a
23 match, partly because it was in Los Angeles. But if
24 necessary, we'll ask him about it. It looked to me
25 like a street prostitution sting because it said

1 "prostitution," but I have a feeling it's not him
2 because of where it is, but it's something you
3 should make note of and we have to ask him about.

4 The 119, who we just had, actually revealed,
5 what he said about his criminal history is what the
6 record sheet shows.

7 MR. SOROSKY: Now, previously you said the
8 man you just excused --

9 THE COURT: Not excused. It's 119, the last
10 one I talked to.

11 MR. SOROSKY: So what Ms. Hamilton referred
12 to I think --

13 MS. HAMILTON: The two Cannabis convictions
14 were for 112.

15 THE COURT: Yeah, 112.

16 MR. SOROSKY: All right.

17 THE COURT: But what 119 just talked about
18 are the two things, the anger management issue and
19 the DUI, both appear on the sheet and that's all
20 that appears on the sheet.

21 I have one that comes up for 122, may or may
22 not be him, 1975, a mall theft, and then '92 --
23 well, what I got on 122 is a possible, the name and
24 social security number match, not too much of date
25 of birth. We have for him a 1975 arrest date,

1 Hoffman Estates, felony theft, disposition
2 dismissed. We have a possession of Cannabis case in
3 1992, Zion Police Department, paid the fine and then
4 had the usual six months of supervision and then
5 that charge gets erased for purposes of the state
6 stuff. That's his sheet, but we're not absolutely
7 sure because we have to confirm date of birth.

8 And then 128, this looks fairly solid part of
9 it is because it's an unusual name, 128 is an
10 unusual name. What I got here is 1982 CPD, theft,
11 charge dismissed. 2007, River Grove, DUI. Now, I
12 haven't checked what he put on this form, so we'll
13 do that, too.

14 The reason I've told this to you now is if I
15 forget to do it, you'll remind me.

16 So that's basically where we are. We've also
17 got a couple here who -- there's one other --
18 Something came up on 121 on criminal history, but
19 the name makes no sense. It's, I think, derived out
20 of what sounds like the index that they have, but
21 we're going to try to nail it down, see if it's any
22 better.

23 So that's basically where we are and I think
24 we'll go on a little further. I should be able to
25 get through the 40 we have today, if we don't, we'll

1 have some of them come back. We have made
2 arrangements, should we wind up with too few jurors,
3 to provide more. And I think we're okay because the
4 only thing left to hustle on is the criminal checks.

5 So that's that. Okay? Now, does anybody
6 want a real break or should we just continue?

7 MR. SOROSKY: No.

8 MR. SCHAR: Up to Your Honor.

9 THE COURT: We'll do a few more.

10 (Proceedings resumed in open court:)

11 THE COURT: Okay.

12 (Prospective juror entered the courtroom, and
13 the following proceedings were had herein:)

14 THE COURT: Give me just a minute.

15 PROSPECTIVE JUROR: (Nodding).

16 (Brief pause).

17 THE COURT: Good afternoon, 120.

18 PROSPECTIVE JUROR: Good afternoon.

19 THE COURT: I am not going to ask you each
20 question, I'm just going to go over parts of it,
21 since you've already written it down.

22 PROSPECTIVE JUROR: Okay.

23 THE COURT: What do you do at work?

24 PROSPECTIVE JUROR: I administer a pension
25 plan, I oversee the daily operations. Our client

:14PM

:15PM

:16PM

1 has outsourced their pension administration to us
2 and I work with the client and our internal
3 departments to make sure everything runs smoothly.

4 THE COURT: And is that, basically, you got
5 this one plan and you're the administrator of it?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: And how long have you had that
8 one?

9 PROSPECTIVE JUROR: 5 years.

10 THE COURT: And this is to a pension as
11 opposed to health and welfare?

12 PROSPECTIVE JUROR: Also administer health
13 and welfare, as well as 401 K, but I'm aligned to
14 the pension team, so a little bit of the other two
15 as well.

16 THE COURT: And how long have you been doing
17 that kind of work?

18 PROSPECTIVE JUROR: 7 and a half years. I
19 worked for another company for a year and a half
20 prior to that doing similar work.

21 THE COURT: How did you get into benefits
22 analysis?

23 PROSPECTIVE JUROR: Out of college I got a
24 job as an administrative assistant and at a company
25 that did just that and then became an analyst onto

1 an operations manager.

2 THE COURT: And the kind of work your spouse
3 does?

4 PROSPECTIVE JUROR: He's a financial
5 adviser/insurance agent.

6 THE COURT: So the two of you spend a lot of
7 time with numbers?

8 PROSPECTIVE JUROR: Somewhat. We don't talk
9 about it, but yes, a little bit.

10 THE COURT: And your father owns his own
11 business?

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: How large a business is that?

14 PROSPECTIVE JUROR: A small business.

15 THE COURT: Small business.

16 You were subpoenaed over an auto accident?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: Did you actually go to court and
19 testify?

20 PROSPECTIVE JUROR: I went to court and a
21 lawyer talked to me in the hallway and dismissed me.
22 I just had to basically say I saw what happened.

23 THE COURT: You were asked about various
24 opinions you had about various things, and one
25 answer was indifferent, and I do want to confirm

1 with you that you are entitled to be indifferent,
2 you don't have to have an opinion.

3 PROSPECTIVE JUROR: Okay.

4 THE COURT: And also with respect to
5 questions about do you believe public officials do
6 X, Y or Z, your answer was:

7

8 "Some may; however, it's a blanket statement
9 that would not apply to all."

10 and you gave that statement two or three
11 times.

12 PROSPECTIVE JUROR: Yes.

13 THE COURT: That was your answer?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: That's good, because that's what
16 a juror is supposed to do, decide them one at a
17 time.

18 Your primary leisure activities hobbies and
19 interests?

20 PROSPECTIVE JUROR: I'm thinking back to what
21 I put. Spending time --

22 THE COURT: Want me to tell you?

23 PROSPECTIVE JUROR: Sure.

24 THE COURT: Spending time with my kids,
25 running, cleaning, and shopping.

1 PROSPECTIVE JUROR: That --

2 THE COURT: The reason I ask is, the question
3 was "primary leisure activities hobbies and
4 interests," and I were in your position I would not
5 have put "cleaning."

6 PROSPECTIVE JUROR: That's more of a
7 necessity, but takes up a lot of my time.

8 THE COURT: Uh-huh. Where do you get your
9 news from, if you get it at all?

10 PROSPECTIVE JUROR: If I'm at work on lunch,
11 I'll go on cnn.com or MSNBC maybe once or twice a
12 week, that's about it.

13 THE COURT: And you contribute something to
14 Children's Memorial, but you did that for the 5 K
15 runs?

16 PROSPECTIVE JUROR: Correct.

17 THE COURT: You think you can be a fair and
18 impartial juror?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: That's all I have right now.
21 Thank you.

22 (Prospective juror exited the courtroom, and the
23 following proceedings were had herein:)

24 (Brief pause).

25 (Prospective juror entered the courtroom, and

1 the following proceedings were had herein:)

2 THE COURT: Hi. You're 121?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: Your major area of study was
5 chemical engineering?

6 PROSPECTIVE JUROR: Yes, it was.

7 THE COURT: And now you are a process
8 engineer?

9 PROSPECTIVE JUROR: Yes, a process chemical
10 engineer.

11 THE COURT: Are they different?

12 PROSPECTIVE JUROR: No, it's chemical
13 engineer can do several different things and one of
14 them is a process engineer.

15 THE COURT: And it says you evaluate,
16 develop, design and implement products that improve
17 safety environment or profitability?

18 PROSPECTIVE JUROR: Yes, that's right.

19 THE COURT: So, basically, you're a
20 development person with respect to the products?

21 PROSPECTIVE JUROR: well, it's not like a
22 research-type job. It's industrial-type job where,
23 you know, we just try to make the plant safer, more
24 environmentally friendly or more profitable.

25 THE COURT: So you're looking for improvement

1 as opposed to just continuing operations?

2 PROSPECTIVE JUROR: That's correct.

3 THE COURT: Who was the close friend or
4 relative who works at Wright-Patterson?

5 PROSPECTIVE JUROR: That's my son.

6 THE COURT: Okay. Another engineer?

7 PROSPECTIVE JUROR: He is.

8 THE COURT: Same field or a different one?

9 PROSPECTIVE JUROR: He's in general
10 engineering.

11 THE COURT: Okay. Is it a different son who
12 is in the Air Force?

13 PROSPECTIVE JUROR: It's the same son.

14 THE COURT: Same son.

15 You wrote a letter because you didn't want
16 the committee of national take over the EJ & E?

17 PROSPECTIVE JUROR: I did.

18 THE COURT: For some reason, I didn't ever
19 hear the end of it. Did you win it or did you lose?

20 PROSPECTIVE JUROR: We lost.

21 THE COURT: Okay. Now, in retrospect, was it
22 a terrible loss, was it as bad as you expected, or
23 could everybody get over it?

24 PROSPECTIVE JUROR: Well, I mean, you gotta
25 get over it, but, you know, it's just the beginning,

1 as the economy improves there will be more trains,
2 it'll be more of a problem for the people that live
3 around the tracks.

4 THE COURT: You give to United Way?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: What is APA?

7 PROSPECTIVE JUROR: Oh, it's my wife's thing.
8 It's American Psychology Association, something like
9 that.

10 THE COURT: Anything else, do you give to
11 anything else?

12 PROSPECTIVE JUROR: No.

13 THE COURT: You were asked an opinion about
14 political fundraising and you said:

15 "The more you contribute, the more likely your
16 candidate will help push your agenda."

17 Have you yourself donated to political
18 campaigns?

19 PROSPECTIVE JUROR: No, I have not.

20 Although, on income taxes, I think years ago, I
21 probably donated a couple of bucks to the
22 presidential election, but I haven't done that for
23 years.

24 THE COURT: And then you were asked some
25 questions about politicians putting their own

1 interests above those of others, and your answer to
2 that series of questions."

3 "I think some do, and I think it's totally
4 wrong."

5 I'm assuming that you understand because
6 some do, not all do?

7 PROSPECTIVE JUROR: I do.

8 THE COURT: Is that correct?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: Secondly, it's kind of an
11 open-ended question, and you talked about something
12 being wrong. What's at stake in this case is not
13 something which may or may not be morally wrong.
14 What you're going to be asked to decide is whether
15 the government proved that a violation of a federal
16 criminal law occurred, and that's a different
17 judgment from saying that something is wrong because
18 there are all kinds of wrong things that aren't
19 crimes, do understand that?

20 PROSPECTIVE JUROR: Yes, I do.

21 THE COURT: And my concern is is that you
22 distinguish between the two, that you recognize if
23 something is proved that somebody did the wrong
24 thing is not the same thing as saying they committed
25 a crime, do you understand that?

1 PROSPECTIVE JUROR: I do.

2 THE COURT: Leisure activities?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: What's your favorites?

5 PROSPECTIVE JUROR: My favorites are fishing,
6 that's the favorite, the others are kind of
7 secondary.

8 THE COURT: Okay. What are they.

9 PROSPECTIVE JUROR: I like kayaking, I like
10 woodworking, I like working with stained glass, I
11 like racquetball.

12 THE COURT: Right. How days a year do you
13 fish?

14 PROSPECTIVE JUROR: Well, probably -- I
15 probably fish a couple of weeks out of the year.

16 THE COURT: Do you try to expand the time you
17 devote to fishing?

18 PROSPECTIVE JUROR: Well, I came up from the
19 south where I fished much more than I do up here
20 now. But yes, I mean, we have a little retention
21 pond behind our house so I'll go out there and throw
22 the line in every so often when I get the urge.

23 THE COURT: What newspapers do you read?

24 PROSPECTIVE JUROR: Well, the newspapers I
25 read are all on the Internet, and they're the Corpus

1 Christie Times, Lake Charles, American Press, the
2 Harold News and Chicago Trib.

3 THE COURT: Can I assume because you read
4 papers from Lake Charles and Corpus Christie that
5 perhaps you lived there once?

6 PROSPECTIVE JUROR: That's correct.

7 THE COURT: Okay. Are you like an avid news
8 person? Do you, like, every day go out and see
9 what's up that day or do you just do it less
10 intently?

11 PROSPECTIVE JUROR: Well, I usually just
12 scan, you know, scan CNN, Fox, and all the
13 newspapers that we just talked about, but, you know,
14 I don't get a newspaper and read every article in
15 there.

16 THE COURT: And also with respect to the
17 trial that occurred in this case before, you said
18 you didn't really pay much attention to it except
19 for the final outcome, is that correct?

20 PROSPECTIVE JUROR: That's correct.

21 THE COURT: And you saw the defendant on a
22 television show and you think you saw his spouse on
23 another television show?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: Do you remember those clearly or

1 do you just remember seeing them?

2 PROSPECTIVE JUROR: I remember the one, the
3 Apprentice clearly, the other one was in passing.

4 THE COURT: Okay. And from what you've read,
5 it sounded to you like the defendant was lucky he
6 wasn't convicted?

7 PROSPECTIVE JUROR: That's correct.

8 THE COURT: Okay. Now, the big question is,
9 you have to put all of those impressions aside if
10 you're going to be a juror in this case and you have
11 to decide based on the evidence you hear in this
12 courtroom and nothing else, no news reports, nothing
13 you heard before, no hearsay, no gossip, just what
14 happens in court. Would you be able to do that?

15 PROSPECTIVE JUROR: I mean, the first
16 impressions, you know, they stick with you, but I
17 think if I heard all the evidence, and so forth,
18 then I could definitely make a fair decision.

19 THE COURT: Then there is another question
20 that you were asked, it says:

21 "The Court will instruct you that you may draw
22 no inference against the defendant from the
23 fact that he has been indicted."

24 And you said:

25 "I would certainly try not to, but there's,

1 obviously, good reason to indict, otherwise why
2 do it."

3 There's one thing that perhaps you don't
4 understand that I want to explain to you and that
5 is, an indictment is a decision made by a Grand
6 Jury, but the Grand Jury is not told they have to be
7 beyond a reasonable doubt that the person committed
8 the offense, all they have to do is believe that
9 there is probably cause, which is a much lesser
10 standard. So it is perfectly possible that the
11 indictment doesn't mean anything in a criminal case
12 because to indict you don't need anywhere near the
13 proof you need to convict, do understand that?

14 PROSPECTIVE JUROR: I do now.

15 THE COURT: Okay. Now, you also indicated
16 that you would like to be deferred because of
17 ongoing projects. Would you describe the projects
18 to me, without revealing any trade secrets?

19 PROSPECTIVE JUROR: Oh. Well, we have in the
20 group that I am in, we have several different
21 projects going in. Usually they're put in during
22 the turn-around time when the refinery is down where
23 they can get at the equipment and we developed these
24 projects so that during that window of time, they
25 can be put in. Since then, since I had requested

1 the deferral, you know, those are all set pretty
2 well, so I retracted that yesterday.

3 THE COURT: Okay. That's fine. That's all I
4 wanted to know.

5 PROSPECTIVE JUROR: Okay.

6 THE COURT: Thank you.

7 PROSPECTIVE JUROR: Okay. Thank you.

8 (Prospective juror exited the courtroom, and the
9 following proceedings were had herein:)

10 (Brief pause).

11 (Prospective juror entered the courtroom, and
12 the following proceedings were had herein:)

13 THE COURT: Mr. 122?

14 PROSPECTIVE JUROR: Yes, sir.

15 THE COURT: You are now retired?

16 PROSPECTIVE JUROR: Yes, sir. First of
17 February of this year.

18 THE COURT: And before that time you were
19 groundskeeper?

20 PROSPECTIVE JUROR: Yes, sir; at a community
21 college.

22 THE COURT: And, basically, everything that
23 was outdoor maintenance?

24 PROSPECTIVE JUROR: Yes, sir. The cutting
25 grass, planting flowers, taking care of shrubs,

1 trees, we did all the snow plowing, outside trash
2 removal, cleanup. We also had a baseball team,
3 softball team, soccer team, that we worked on their
4 athletic fields.

:35PM

5 THE COURT: And did you have people that
6 worked for you? Supervised people?

7 PROSPECTIVE JUROR: Yes, I did supervise
8 people.

9 THE COURT: How many?

:35PM

10 PROSPECTIVE JUROR: Usually one or two at a
11 time. There were only four people in the
12 department.

:35PM

13 THE COURT: It also says here that you have
14 certain special training skills, which seem to be a
15 rather large number: welder, painter, small engine
16 repair, and woodworking. Were those all related to
17 your job?

:35PM

18 PROSPECTIVE JUROR: Yes, sir. We had to
19 maintain all our own equipment. There were a lot of
20 outside things that we painted. I learned how to
21 weld because of the necessity of keeping our
22 equipment in running order. So it was a lot of
23 training through my job.

:36PM

24 THE COURT: Do you miss that work?

25 PROSPECTIVE JUROR: Not yet. I just retired

1 the 1st of February. I'm really looking forward to
2 doing all the things that I did for the college in
3 my own home.

4 THE COURT: Right.

5 You were in the Air Force?

6 PROSPECTIVE JUROR: Yes, sir.

7 THE COURT: What years?

8 PROSPECTIVE JUROR: That was back in 1970 to
9 1974.

10 THE COURT: What was your rank on discharge?

11 PROSPECTIVE JUROR: Airmen First Class.

12 THE COURT: Your home was broken into at one
13 time?

14 PROSPECTIVE JUROR: At one time, yes, sir.

15 THE COURT: Somebody was actually caught for
16 that?

17 PROSPECTIVE JUROR: Yes, I caught the
18 gentleman coming out the back door, chased him to
19 his home, and then would not allow him out of the
20 house until the police got there.

21 THE COURT: This is a neighbor?

22 PROSPECTIVE JUROR: It was a child that lived
23 down the street from us, yes. I wouldn't call him a
24 neighbor. I wasn't familiar with him.

25 THE COURT: Right. Did you have to testify

1 at his hearing?

2 PROSPECTIVE JUROR: Yes, sir.

3 THE COURT: And what did you think of the
4 result of the case?

5 PROSPECTIVE JUROR: At first they let him go,
6 but when we got out in front of the courthouse he
7 followed me out and threatened me. And there was a
8 police officer, plainclothes police officer,
9 standing next to me, when the young man left, the
10 man identified himself as a police officer and said
11 that, you know, if you go back inside and tell the
12 judge they'll re-arrest him and take care of him.

13 THE COURT: And that's what happened?

14 PROSPECTIVE JUROR: That's what I did, yes,
15 sir. He then was sent to the juvenile detention.

16 THE COURT: Do you belong to anything other
17 than AARP?

18 PROSPECTIVE JUROR: Not right now, no.

19 THE COURT: Have you ever belonged to other
20 stuff? Have you ever been active in any other kind
21 of organization?

22 PROSPECTIVE JUROR: I used to be active in my
23 union at work.

24 THE COURT: Okay. And you understand that
25 some public officials don't do the right thing and

1 some do, is that basically right? Is that the way
2 you think?

3 PROSPECTIVE JUROR: Yes, I understand that.
4 I don't think that's how everybody is, but

5 THE COURT: Okay. Your hobbies, now that you
6 have time for your hobbies?

7 PROSPECTIVE JUROR: I'm an avid woodworker, I
8 like building all kinds of things: Cabinets, book
9 cases, I've done coffee tables, end tables, things
10 for my grandchildren, bookshelves, pencil holders.
11 You know, it's a hobby I'm very much looking forward
12 to.

13 THE COURT: You also listed Formula One
14 racing.

15 PROSPECTIVE JUROR: Yes, sir.

16 THE COURT: Where did that come from?

17 PROSPECTIVE JUROR: I don't know. I've been
18 Formula One IndyCar fan for 40 years and actually
19 paid to drive an IndyCar a couple of years ago.

20 Spent \$1,500 at Joliet and was allowed to -- you
21 know, it was a real IndyCar. I got up to 177 miles
22 an hour for three laps. It was the most exciting,
23 terrifying, thrilling, scary, experience that I've
24 ever had. For me, being a fan, it was a dream come
25 true. It was just unbelievable.

1 They put you in the car, tell you it will do
2 200, but you won't, and you follow a professional
3 driver. They tell you to stay as close to the car
4 as you can. Of course, the more you pay, the faster
5 you go, the more lapse.

6 But I paid to do 175, so when they brought me
7 in for the pit stop, they asked me, "well, you're
8 doing really good, what do you want to do," I says,
9 "well, I paid to do 175, so I want to do 175," and
10 the girl said, "okay, follow me and I'll take you to
11 175" and she took me to 177.

12 THE COURT: Is it proper for me to conclude
13 that you think it was worth every penny?

14 PROSPECTIVE JUROR: Every penny and more.

15 I worked a lot of overtime for that money,
16 though.

17 THE COURT: Yeah. Anything you like to read?
18 Magazines, newspapers?

19 PROSPECTIVE JUROR: I have a subscription to
20 National Geographic and have a collection of about
21 70 years worth of National Geographic, that's my
22 main reading.

23 THE COURT: Okay. Do you get your news from
24 anywhere in particular?

25 PROSPECTIVE JUROR: Channel 7.

1 THE COURT: What?

2 PROSPECTIVE JUROR: Channel 7.

3 THE COURT: Okay. And your pension is with
4 the Illinois State University's retirement system?

5 PROSPECTIVE JUROR: Yes, sir.

6 THE COURT: Now, you did, obviously, hear a
7 little about this case.

8 PROSPECTIVE JUROR: Yes, I heard about it. I
9 did not follow it, but I heard about it.

10 THE COURT: Did you ever arrive at any firm
11 opinions, one way or the other, as to how the case
12 should come out?

13 PROSPECTIVE JUROR: No, because I never
14 really heard enough to satisfy myself to come to a
15 conclusion, you know.

16 THE COURT: Okay. Do you think you can be a
17 fair juror in this case?

18 PROSPECTIVE JUROR: Yes, I do, especially
19 after your speech yesterday morning.

20 THE COURT: Thank you.

21 PROSPECTIVE JUROR: You're welcome.

22 (Prospective juror exited the courtroom, and the
23 following proceedings were had herein:)

24 (Brief pause).

25 (Prospective juror entered the courtroom, and

:42PM

:42PM

:43PM

:43PM

1 the following proceedings were had herein:)

2 THE COURT: I'm not ignoring you, I'm just
3 getting papers in order.

4 PROSPECTIVE JUROR: Yes.

5 (Brief pause).

6 THE COURT: You are 124?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Okay. You work for the food
9 service for about 20 years?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: Did you work for anybody else
12 before that?

13 PROSPECTIVE JUROR: Barbara Green Company
14 many, many years ago for a short time.

15 THE COURT: Okay. You volunteer at the
16 elementary school listening to children read?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: First through fourth grade?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: Still do that?

21 PROSPECTIVE JUROR: Third grade right now,
22 but I have done first through fourth grade.

23 THE COURT: Now, what do you actually do when
24 you do that?

25 PROSPECTIVE JUROR: Pick out books and then

1 go out in the hallway and call the children out when
2 it's time and listen to them read. And we talk, I
3 ask them questions about things in the book, and
4 their families sometimes, and we talk about things,
5 they seem to enjoy that.

6 THE COURT: Right. And so you're teaching
7 them in, among other things, to have a conversation?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: You like that work?

10 PROSPECTIVE JUROR: I do; very much.

11 THE COURT: Your husband has his own
12 business?

13 PROSPECTIVE JUROR: He did, yes. He's passed
14 away now.

15 THE COURT: He was a carpenter?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: Your husband was in the Navy?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: And your father was in the Army?

20 PROSPECTIVE JUROR: No, he was in the Navy
21 also.

22 THE COURT: In the Navy, too.

23 PROSPECTIVE JUROR: Uh-huh.

24 THE COURT: I take it that the experience of
25 one of your sons in high school occurred a long,

1 long time ago?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: And you basically consulted with
4 a lawyer over basically routine stuff, is that it?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: You served on a jury in Kane
7 County?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Did the jury reach a verdict?

10 PROSPECTIVE JUROR: Yes, we did. But it was
11 quite a long time ago, sir, I really don't remember
12 all the details.

13 THE COURT: Good, because I'm not going to
14 ask you.

15 PROSPECTIVE JUROR: Okay.

16 THE COURT: There are some things that you
17 donate either money or time or services to, what are
18 those?

19 PROSPECTIVE JUROR: Excuse me?

20 THE COURT: The things you give time or money
21 to, other than the school.

22 PROSPECTIVE JUROR: Religious organizations
23 and church, VFW, Paralyzed Veterans, that type of
24 thing.

25 THE COURT: Right. Is there any one

1 particular activity you devote the most to?

2 PROSPECTIVE JUROR: Probably church.

3 THE COURT: Okay. And you have done some
4 work supporting people campaigning for elected
5 offices, is that correct?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: You've tried to raise funds for
8 some?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: And you've attended fundraisers
11 for others?

12 PROSPECTIVE JUROR: Only when I was working.

13 THE COURT: Okay. Any particular reason you
14 do that?

15 PROSPECTIVE JUROR: I was just asked to and I
16 had time and was glad to do it.

17 THE COURT: Okay. Did you have some personal
18 knowledge with the individuals you were campaigning
19 for?

20 PROSPECTIVE JUROR: Not really. Chris Lauzen
21 was our state in our area at that time and I had met
22 his wife and his children, and so when he needed
23 somebody, I said I would do that.

24 THE COURT: Yea, it's basically because you
25 had a relationship with his family before then?

1 PROSPECTIVE JUROR: Uh-huh.

2 THE COURT: Okay. And from one of the
3 questions you answered, I think it's your view that,
4 in some cases but not all, elected officials
5 sometimes consider their own personal gain rather
6 than the good of the public as a whole, am I reading
7 that correctly?

8 PROSPECTIVE JUROR: I think so; sometimes.

9 THE COURT: But some but not all, right?

10 PROSPECTIVE JUROR: Yeah.

11 THE COURT: I ask you that because one of the
12 things you have to do in this case is decide if a
13 specific elected official was proven to do certain
14 specific things which violated the law. You're not
15 going to be asked about all politicians or
16 politicians in general, and it seems that you
17 understood that clearly.

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: Okay. Good.

20 where do you get your news from?

21 PROSPECTIVE JUROR: The local newspaper and
22 mostly TV, probably. Don't watch a lot of it,
23 though.

24 THE COURT: Listen to a lot of radio?

25 PROSPECTIVE JUROR: Just classical music, for

1 the most part.

2 THE COURT: It's mostly music you listen to
3 on the radio?

4 PROSPECTIVE JUROR: Uh-huh.

5 THE COURT: Now, I take it from the way you
6 answered a lot of questions is, you didn't pay much
7 attention to this case the first time around.

8 PROSPECTIVE JUROR: No.

9 THE COURT: And you haven't made up your
10 mind --

11 PROSPECTIVE JUROR: No.

12 THE COURT: -- with what happened in this
13 case, is that correct?

14 PROSPECTIVE JUROR: That's correct.

15 THE COURT: Thank you.

16 PROSPECTIVE JUROR: Okay.

17 (Prospective juror exited the courtroom, and the
18 following proceedings were had herein:)

19 (Brief pause).

20 (Prospective juror entered the courtroom, and
21 the following proceedings were had herein:)

22 THE COURT: Hello, 125.

23 PROSPECTIVE JUROR: Hello.

24 THE COURT: What do you do now?

25 PROSPECTIVE JUROR: I'm a computer technician

1 for a junior college.

2 THE COURT: And how long have you been doing
3 that?

4 PROSPECTIVE JUROR: 23 years.

5 THE COURT: Was this the kind of thing you
6 were always interested in?

7 PROSPECTIVE JUROR: Pretty much.

8 THE COURT: You studied it in college?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: And you want to go to school to
11 learn a lot more about photography?

12 PROSPECTIVE JUROR: I just do anything that's
13 of personal interest. Right now I'm studying
14 photography.

15 THE COURT: Studying what?

16 PROSPECTIVE JUROR: Studying photography.

17 THE COURT: Oh, okay.

18 You supervise people at work?

19 PROSPECTIVE JUROR: Yes, I do.

20 THE COURT: How many?

21 PROSPECTIVE JUROR: Four.

22 THE COURT: What do you do outside of work?

23 PROSPECTIVE JUROR: I horseback ride, I hike,
24 I walk, kayak; mostly outdoor stuff.

25 THE COURT: It says here you do stuff with

1 4 H.

2 PROSPECTIVE JUROR: I did. I was a 4 H
3 leader for 10 years.

4 THE COURT: It also says here that you take a
5 lot of classes in various things?

6 PROSPECTIVE JUROR: Yes, I do.

7 THE COURT: You do that out of curiosity or
8 for some kind of purpose?

9 PROSPECTIVE JUROR: Oh, no, just out of
10 curiosity.

11 THE COURT: So you took a course in welding
12 because you like to know how to weld?

13 PROSPECTIVE JUROR: I took a course in
14 welding so that I can learn to weld horseshoes
15 together.

16 THE COURT: Right. And have you used the
17 skill?

18 PROSPECTIVE JUROR: I can weld horseshoes
19 together.

20 THE COURT: Right. Do you have your own
21 torch or do you have to rent?

22 PROSPECTIVE JUROR: No, I have my own torch.

23 THE COURT: Okay. You have a relative in the
24 military?

25 PROSPECTIVE JUROR: Yes, I do.

1 THE COURT: What relative?

2 PROSPECTIVE JUROR: She's a niece.

3 THE COURT: She's in the Air Force?

4 PROSPECTIVE JUROR: Yes, she is.

:55PM

5 THE COURT: How long has she been there?

6 PROSPECTIVE JUROR: She signed up for her
7 second term a year and a half ago. So probably
8 8 years.

:56PM

9 THE COURT: And she's now stationed in the
10 U.S.?

11 PROSPECTIVE JUROR: Yes, she is.

12 THE COURT: But previously she was overseas?

13 PROSPECTIVE JUROR: Yes.

:56PM

14 THE COURT: You consulted a lawyer once for
15 real estate?

16 PROSPECTIVE JUROR: Yes.

17 THE COURT: Consult a lawyer for any other
18 reason?

19 PROSPECTIVE JUROR: No.

:56PM

20 THE COURT: I take it you haven't had much
21 experience with law enforcement except for some
22 thefts you reported to the college police?

23 PROSPECTIVE JUROR: Yes.

:56PM

24 THE COURT: And you were interviewed by FBI
25 with respect to a security clearance?

1 PROSPECTIVE JUROR: Right.

2 THE COURT: Somebody else's security?

3 PROSPECTIVE JUROR: Somebody else's security.

4 THE COURT: And what do you belong?

:57PM

5 PROSPECTIVE JUROR: I belong to the Moose.

6 THE COURT: Anything else?

7 PROSPECTIVE JUROR: ASC.

8 THE COURT: The list is longer for you later

9 in the -- the last time I looked it was welding,

:57PM

10 computers, bartending, photography, I think you
11 mentioned the horseback riding before too, but now
12 I've got biking, walking, kayaking, quilting, and
13 guitar.

14 PROSPECTIVE JUROR: Yes.

:57PM

15 THE COURT: Okay. Now, when you start one of
16 these things do you have to, like, have to give
17 something else up?

18 PROSPECTIVE JUROR: No.

19 THE COURT: Where do you get your news from?

:58PM

20 PROSPECTIVE JUROR: I don't get a lot of it,
21 but maybe TV in the mornings find out what the
22 weather is like.

23 THE COURT: So you're not like a devoted
24 reader of the news?

:58PM

25 PROSPECTIVE JUROR: I don't have time.

1 THE COURT: Okay. I believe you.

2 Favorite websites?

3 PROSPECTIVE JUROR: Favorite website?

4 Maybe -- I do a lot of Microsoft because I work in
5 the field, so Microsoft technology, some of the
6 Apple iTunes.

7 THE COURT: I'm getting the impression from
8 reading the answers to the rest of the questions
9 that you have no firm opinions at all on how this
10 trial should come out, is that right?

11 PROSPECTIVE JUROR: That's right.

12 THE COURT: And you understand that the
13 judgment you're going to make depends entirely on
14 what you hear in the courtroom, nothing that
15 happened before, nothing that happens outside the
16 courtroom, all you can consider is what's in the
17 courtroom itself, do you understand that?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: Thanks.

20 (Prospective juror exited the courtroom, and the
21 following proceedings were had herein:)

22 (Brief pause).

23 (Prospective juror entered the courtroom, and
24 the following proceedings were had herein:)

25 THE COURT: You're 126?

1 PROSPECTIVE JUROR: I am.

2 THE COURT: What do you do for a living?

3 PROSPECTIVE JUROR: I'm an associate partner
4 for a branch strategy and marketing consulting firm.

:00PM

5 THE COURT: Old firm, new firm?

6 PROSPECTIVE JUROR: About 18 years old.

7 About 160 people.

8 THE COURT: How long have you been there?

9 PROSPECTIVE JUROR: 3 years.

:00PM

10 THE COURT: Is that basically the kind of
11 work you've done for a long time?

12 PROSPECTIVE JUROR: For the last 10 years,
13 and then I was in branch management for major CPG
14 company, consumer packaged goods company, for
15 15 years prior to that.

:00PM

16 THE COURT: And, according to this, you took
17 your M.B.A. in marketing?

18 PROSPECTIVE JUROR: I did, from the
19 University of San Francisco.

:00PM

20 THE COURT: So you knew from the beginning
21 that this is what you wanted to do?

22 PROSPECTIVE JUROR: I did.

23 THE COURT: Okay.

24 Ever hire any lawyers for any reason?

:01PM

25 PROSPECTIVE JUROR: No, other than just real

1 estate transactions and my will.

2 THE COURT: Okay. Ever had any dealings at
3 all yourself with lawsuits?

4 PROSPECTIVE JUROR: No.

5 THE COURT: I take it from reading some of
6 the answers that you're not an unstinting admirer of
7 elected officials, is that correct?

8 PROSPECTIVE JUROR: That's a fair assessment.

9 THE COURT: All right. What I want to make
10 sure you understand, and I'm actually sort of sure
11 you do now, that nobody is going to ask you here to
12 voice an opinion as a juror on public officials in
13 general or, for that matter, even the particular
14 public official who is in this case as to whether he
15 did a good job or didn't do a good job.

16 PROSPECTIVE JUROR: Right.

17 THE COURT: You're just going to have to
18 decide whether the government has proved beyond a
19 reasonable doubt whether or not he's committed an
20 offense, a violation of federal law, do you
21 understand that?

22 PROSPECTIVE JUROR: I do.

23 THE COURT: Are you an avid news reader?

24 PROSPECTIVE JUROR: A lot of magazines,
25 newspapers. I travel a lot, so I try to keep up on

1 it.

2 THE COURT: Now, are you doing that for news
3 or for exercises in --

4 PROSPECTIVE JUROR: Both; but primarily news.

:03PM

5 THE COURT: Okay. How do you get business?

6 PROSPECTIVE JUROR: Through networks of my
7 own and other partners and just referrals. I mean,
8 we're a fairly well-known company, so a lot of
9 things just come over the transit and then we get
10 parts of RP's that we participate in and they choose
11 us over other firms.

:03PM

12 THE COURT: I'm going to ask you in a second
13 about your current work and your assignments, but
14 before I do that, I originally started by asking you
15 the question, saying that I didn't think that you
16 were a great admirer of elected officials, and I was
17 reminded when I re-read your questionnaire that you
18 are particularly not a great admirer of the
19 particular public official whose case we're talking
20 about today, is that also true?

:03PM

:04PM

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: And the same question I asked you
23 before applies again: Do you understand that you're
24 not going to be asked to decide whether you approve
25 or disapprove of the defendant here or that you like

:04PM

1 him or don't like him.

2 PROSPECTIVE JUROR: I completely understand.

3 THE COURT: Okay. You want to describe the
4 work you're currently doing?

5 PROSPECTIVE JUROR: I'm working with a
6 Fortune 500 company where we're working with four of
7 their different divisions doing a making competency
8 assessment and now we're starting to kick out
9 pilots, we're actually working with their teams to
10 develop the capability against their current
11 business issues, whether that's a consumer
12 segmentation study or a positioning study for one of
13 their brands, et cetera.

14 So it's scheduled to go through the end of
15 the year. We're four months into it. I'm the lead
16 partner, from a delivery perspective, with my team.
17 And it's pretty critical, so that's why I raised it
18 when I got the summons a month or so ago.

19 THE COURT: And how do you actually do that,
20 when you talk about testing?

21 PROSPECTIVE JUROR: We actually work with a
22 research company and we recruit, in some cases, 1200
23 consumers and then ask them a battery of different
24 questions about the brands, the competitions, what
25 their needs are, what their attitudes are, what

1 their beliefs or behaviors for this particular
2 category, which happens to be the boating industry,
3 and then from that we develop target consumers that
4 we think are the most profitable for their bands to
5 go after or they be very targeted for their
6 marketing efforts.

7 THE COURT: Now, when you interview all these
8 people, particularly large numbers of them, is this
9 based on the premise that you can trust what they
10 say to you or do you have other ways to test the
11 legitimacy of their answers?

12 PROSPECTIVE JUROR: Number one, you've got
13 questions that you ask if you want them in or out of
14 the survey, similar to what we're doing. And then
15 there's also methods within the research itself that
16 you can get to not only what they state is
17 important, but based on certain questions you ask,
18 you can actually understand the kind of derived
19 importance as well, their true motivations. So even
20 if they're not necessarily telling the truth,
21 there's a way to get to the answer.

22 THE COURT: Thank you.

23 PROSPECTIVE JUROR: You're welcome.

24 (Prospective juror exited the courtroom, and the
25 following proceedings were had herein:)

1 (Brief pause).

2 THE COURT: Bring in 127.

3 We may stop after that, but we'll see.

4 (Brief pause).

:07PM

5 (Prospective juror entered the courtroom, and
6 the following proceedings were had herein:)

7 THE COURT: 127?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Where do you work?

:08PM

10 PROSPECTIVE JUROR: Nolls Electronics build
11 parts for cell phones.

12 THE COURT: And what do you do for them?

13 PROSPECTIVE JUROR: We build parts for
14 hearing aids and mikes for telephones, cell phones.
15 I work in the R & D, research and development.

:08PM

16 THE COURT: And how many people are in that
17 department?

18 PROSPECTIVE JUROR: In just my department?

19 THE COURT: Yeah.

:08PM

20 PROSPECTIVE JUROR: We have like six girls
21 and then there's a lot of engineers.

22 THE COURT: And how long have you worked for
23 them?

24 PROSPECTIVE JUROR: A little over 30 years.

:08PM

25 THE COURT: Has it always been an R & D?

1 PROSPECTIVE JUROR: No.

2 THE COURT: How did you start with them?

3 PROSPECTIVE JUROR: Pardon me?

4 THE COURT: How did you start with them?

:08PM

5 PROSPECTIVE JUROR: Oh, back then it was
6 assembly lines and a bunch of, you know, you did
7 individual works.

8 THE COURT: And then you got jobs, new jobs?

:09PM

9 PROSPECTIVE JUROR: Well, a lot of the jobs
10 they shipped over to China, and then they kept the
11 R & D and they kept me. They let a lot of people
12 go.

:09PM

13 THE COURT: In terms of employees, how many
14 fewer employees, in percentage, do they have now
15 than they used to have?

16 PROSPECTIVE JUROR: I'm not sure percentage,
17 but I can tell you numbers.

18 THE COURT: It's a lot of people?

:09PM

19 PROSPECTIVE JUROR: Yeah; there was probably
20 over 2,000 people that worked there.

21 THE COURT: You have a niece who's a lawyer?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: You know what kind of law she
24 practices?

:10PM

25 PROSPECTIVE JUROR: No, I don't.

1 THE COURT: Where does she practice?

2 PROSPECTIVE JUROR: She was here in Chicago
3 but now she's down in Florida.

4 THE COURT: Okay. You've had relatives in
5 the military?

6 PROSPECTIVE JUROR: Yes.

7 THE COURT: A lot?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Any of them particularly close to
10 you?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: You consulted a lawyer once about
13 the accident?

14 PROSPECTIVE JUROR: Yeah, my sons.

15 THE COURT: Was anything ever done about
16 that?

17 PROSPECTIVE JUROR: Yes, what it was with his
18 accident, he was in the hospital for over a week, or
19 9 days, and we were having money problems, so that's
20 what it was about.

21 THE COURT: Okay. Did the lawyer help you?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: Do you belong to any organization
24 of any kind?

25 PROSPECTIVE JUROR: Just the Moose.

1 THE COURT: You indicate that it would be
2 difficult for you to go into this case with an open
3 mind.

4 PROSPECTIVE JUROR: Yeah.

5 THE COURT: Did you follow the case very
6 closely in the beginning?

7 PROSPECTIVE JUROR: No, just -- just on the
8 news when it would come on the news.

9 THE COURT: Do you know what we're asking you
10 to do is not just keep a mind open --

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: -- but basically put everything
13 you think you know off to one side --

14 PROSPECTIVE JUROR: Right.

15 THE COURT: -- and start clean.

16 will you be able to do that or not?

17 PROSPECTIVE JUROR: I don't think so, really.

18 THE COURT: Have you participated in any kind
19 of political stuff at all?

20 PROSPECTIVE JUROR: No.

21 THE COURT: Do you regularly vote?

22 PROSPECTIVE JUROR: Not regularly, no.

23 THE COURT: Where do you get most of your
24 news from?

25 PROSPECTIVE JUROR: The TV.

1 THE COURT: Do you watch it regularly or at a
2 set time of the day, the morning, evening?

3 PROSPECTIVE JUROR: Yes, morning and evening.

4 THE COURT: Thank you.

5 (Prospective juror exited the courtroom, and the
6 following proceedings were had herein:)

7 (Brief pause).

8 THE COURT: We're going to take a break now
9 for about ten minutes.

10 THE MARSHAL: All rise.

11 THE COURT: Counsel, let's have a sidebar.

12 (Proceedings heard at sidebar with Prospective
13 Juror and counsel:)

14 THE COURT: Now, it's possible that you would
15 be slightly embarrassed if I asked you this out
16 there. On the questionnaire, the questionnaire says
17 "have you ever been arrested or convicted of a
18 crime" and you answered no. We have a criminal
19 history which may or may not be you because we don't
20 have the print, all we have is a name, and it says
21 [REDACTED] birth date.

22 PROSPECTIVE JUROR: 1/17/56.

23 THE COURT: 1/17/56.

24 And it says that these are not convictions,
25 they're just arrests. Somebody by that name was

1 arrested in Hoffman Estates on 14th of February 1975
2 for felony theft, charge was dismissed, and then we
3 have a 1992, Police Department of Zion, possession
4 of Cannabis, that disposition was six months
5 supervision, which in state court means that there's
6 no conviction, supervision goes on. Is this you or
7 is this not you?

8 PROSPECTIVE JUROR: Yes, sir, the Zion is me.
9 I don't remember nothing about Hoffman Estates. Is
10 there a year?

11 THE COURT: Well, you would have been 19.
12 But you do remember the Cannabis thing?

13 PROSPECTIVE JUROR: Yes, sir.

14 THE COURT: All right. And I'm assuming you
15 did the six-month supervision and nothing happened
16 there, right?

17 PROSPECTIVE JUROR: Yes, sir.

18 THE COURT: Do you remember what they told
19 you when they gave you the supervision?

20 PROSPECTIVE JUROR: (No response.)

21 THE COURT: Do you remember what the judge
22 said?

23 PROSPECTIVE JUROR: Just if I didn't get in
24 any trouble in the next six months, things would be
25 like nothing happened.

1 THE COURT: Okay. Now, do you remember you
2 said that when you filled this out you had just
3 forgotten about it, this question?

4 PROSPECTIVE JUROR: I had just forgotten
5 about it because I wasn't convicted of anything. I
6 didn't do any jail time or anything like that.

7 THE COURT: Right. And the truth is, you
8 never have been convicted. The only part of the
9 question that is relevant is, have you been
10 arrested.

11 And you have no memory at all of being
12 19 years old getting arrested for theft and having
13 the charges dismissed the next day. What it says
14 here, theft, felony -- no, it wasn't the next day.
15 The arrest was made February 14th, 1975, and on
16 March 21, 1975, the charge was dismissed. So
17 there's no conviction there either. But you don't
18 even remember that arrest? You don't remember?

19 PROSPECTIVE JUROR: No, I --

20 THE COURT: It's not --

21 PROSPECTIVE JUROR: I was fresh out of the
22 Air Force and I didn't get in any trouble.

23 THE COURT: Do you have a scar in your right
24 arm?

25 PROSPECTIVE JUROR: Just scars like that,

1 scrapes.

2 THE COURT: We're going to give you a number
3 to call because we will have you come back. Okay?
4 Thanks.

5 PROSPECTIVE JUROR: Go with the gentleman
6 here?

7 THE COURT: Yeah. You're not excused,
8 incidentally, from jury duty, okay?

9 PROSPECTIVE JUROR: Yes.

10 (Brief pause).

11 (Prospective juror exited sidebar:)

12 THE COURT: All right, we'll get to this and
13 talk.

14 (The following proceedings were heard in open
15 court:)

16 THE COURT: We'll have a recess.

17 (Recess.)

18 THE CLERK: All rise.

19 THE COURT: Please be seated.

20 (Brief pause)

21 THE COURT: Counsel, come to the lectern.

22 (Brief pause).

23 THE COURT: Some minor scheduling points.

24 We had 13 jurors left over that we didn't

25 examine. Those 13, with another 27, would be in on

:07PM

:07PM

1 Monday. I think we can do 40 in a day on Monday,
2 but we couldn't do it today because we had some
3 preliminaries to take care of today. So I think
4 we'll be better with respect to that.

:08PM

5 We're going to do some challenges for cause
6 now.

7 Wait a second. Wait a minute.

8 (Brief pause).

:08PM

9 THE COURT: Challenges for cause now, which
10 we are doing now because it saves us some money and
11 time, mostly the money, because the jury office will
12 not make the ones who are going to go away come in,
13 wasting their time and \$40 of the government's
14 money.

:08PM

15 So, it's the first three pages of my list,
16 the judge's list, goes from juror 101 to juror 127,
17 and we had, in addition to that, no-shows 123, 111,
18 109, and 105. Those individuals we called back,
19 although in the case of at least two of them I, and
20 I think the lawyers, have a pretty good idea why
21 they didn't show up. But it's disobedience of a
22 court order and we'll have to deal with that.

:09PM

23 So we'll begin with the defense. So just
24 name one, if you want to challenge.

:10PM

25 MR. GOLDSTEIN: Just one --

1 THE COURT: And then the prosecution, so your
2 strategy is not revealed all at once.

3 MR. SOROSKY: Can we begin with, say, 104?
4 we'll go back to possibly earlier ones, but, you
5 know, so we may want to revisit some jurors before
6 then, but we'll begin with 104, if that's okay with
7 everybody.

8 MR. GOLDSTEIN: And specifically --

9 THE COURT: Wait. Wait. Stop. Stop. Stop.

10 MR. SCHAR: Judge, just a quick question.
11 Obviously, as you pointed out earlier, a fair number
12 of these individuals have hardship issues.

13 THE COURT: Right. we'll deal with the
14 hardship issues, too. You can raise them, if you
15 wish.

16 MR. SCHAR: Okay.

17 THE COURT: And I probably should have been
18 clearer, but I expect that you would basically raise
19 that on the grounds that their hardships are so
20 compelling that they are likely to be ineffective
21 jurors and therefore should be challenged for cause.

22 You're starting with 104?

23 MR. GOLDSTEIN: Correct.

24 THE COURT: Now, this is the time where you
25 give me some reasons.

1 MR. GOLDSTEIN: Thank you, Judge.

2 In 104's questionnaire, number 78, this
3 individual answered:

4 "I thought, based on what I heard, that he was
5 guilty."

6 Question number 56, in answer to the opinion of
7 his practice:

8 "I think it almost always happens and everyone
9 knows it."

10 And then when questioned by Your Honor about
11 number 78, you asked if she could put everything to
12 the side, she said "I would hope so," she shrugged
13 her shoulders and said "would like to think I
14 could," and she certainly didn't seem very clear
15 that that's what she was able to do. She showed a
16 clear bias and inability to give Mr. Blagojevich a
17 fair trial based on her bias towards him.

18 THE COURT: I remember this.

19 The government's position?

20 MR. SCHAR: Judge, I thought that she --
21 obviously, she put down what she put down in the
22 questionnaire, but in answering you she made a very
23 clear effort to indicate that she could be fair.

24 THE COURT: And --

25 MR. SOROSKY: If I may respond briefly, Your

1 Honor? And I mean this sincerely. Here we have a
2 woman, and this will apply to other jurors too, but
3 particular this one, here we have a woman who
4 receives a questionnaire, a very intelligent woman
5 who has all the time in the world to fill it out and
6 she fills out the questionnaire where she clearly
7 indicates she thinks Mr. Blagojevich is guilty and
8 could not possibly give him a fair trial.

9 with all due respect, I don't think any of
10 that is cured by someone sitting majestic position
11 that you are and you ask the question, well, you
12 understand, young lady, that your obligation is to
13 be fair and do you think you could be fair, and she
14 says well, okay, I think I can be fair, and then the
15 prosecution says, oh, she could be fair, and they
16 completely disregard, disregard the fact that the
17 very intelligent woman who has all the opportunity
18 in the world and time to fill out this
19 questionnaire, clearly indicates she cannot be fair,
20 and I don't think there was one iota of this woman
21 trying to get out of jury.

22 And I also would add, there might be a
23 potential conflict here with wherever her husband
24 worked, which might contribute to some of her bias.

25 THE COURT: I don't think there is a

1 conflict. I do want to clarify what the standard
2 is. You can walk into a court and walk into the
3 jury box with the absolute conviction that the
4 defendant is guilty, and under the expressed limit
5 of the U.S. Supreme Court longstanding, never
6 overruled, never challenged, and, for that matter
7 the standards of the Supreme Court of Illinois, if
8 that person is capable of putting that opinion aside
9 and deciding the case on the merits and that is
10 determined to be the case, then the juror can sit.
11 So you can't do it by formula.

12 You can have in a single jury a situation in
13 which somebody says I think he's guilty, and you
14 explain to them, you know, it's not what you think
15 now, it's after you consider all the evidence, do
16 you think you can do that, and the juror says, the
17 prospective juror says, I would hope so. And you
18 don't accept it, if you're the judge, because you
19 don't believe it, some other juror says pretty much
20 the same thing and you believe it, believe they're
21 capable of doing it, which is why when we do this
22 stuff, the juror is actually sitting there,
23 otherwise we could just do it on the questionnaires.

24 That being said, I don't have confidence that
25 she could. The challenge for cause is sustained.

1 You have one?

2 MR. SCHAR: Judge, you want that from the
3 government?

4 THE COURT: Yes, from the government.

5 MR. SCHAR: We'll just start at the
6 beginning, I know 101, she had raised a hardship
7 issue, so I just wanted to raise that, obviously,
8 with Your Honor. She's the one who is working two
9 jobs and could be a financial hardship for her.

10 Otherwise, I think she can be fair. So I think the
11 question goes to, you know, do you want to keep her
12 in the mix when she's obviously indicated a
13 financial problem.

14 THE COURT: Defense view?

15 MR. GOLDSTEIN: We object to his challenge
16 for cause. I understand the hardship, but a lot of
17 these individuals have hardships. I don't know that
18 it's a hardship that's absolutely a bar to her
19 service.

20 MR. SCHAR: Judge --

21 THE COURT: I'm sustaining the challenge. I
22 think it's too big a distraction for her.

23 MR. GOLDSTEIN: 110, Your Honor.

24 MR. SOROSKY: There's a couple of issues.

25 THE COURT: Give me a second.

1 MR. GOLDSTEIN: I'm sorry.

2 (Brief pause).

3 THE COURT: 110.

4 MR. GOLDSTEIN: Your Honor, there's two
5 reasons we're requesting cause for this individual.

6 Number one is the hardship. The individual
7 specifically said it would be -- was it a nightmare?
8 Disaster, it would be an economic disaster. This is
9 an individual who received a job, he said he hasn't
10 signed a letter of agreement, but he's pretty close
11 to getting this job to start pretty soon, I think he
12 said start Monday, May 2nd, 2011. He's not sure if
13 he'd be paid for his jury service. He says he's the
14 primary breadwinner and his wife only works

15 part-time as a substitute teacher, said I cannot
16 jeopardize my appointment by serving on the jury.

17 MR. SCHAR: Judge, if you agree on the
18 hardship, I understand the hardship issue.

19 THE COURT: So you're not disputing it?

20 MR. SCHAR: I'm not disputing it that there's
21 a hardship.

22 THE COURT: Good.

23 For the government?

24 MR. SCHAR: Going back in order, 102, the
25 gentleman whose son had died.

1 THE COURT: Right.

2 MR. SCHAR: He had also written a letter.

3 THE COURT: Your view?

4 MR. GOLDSTEIN: We have no objection, Your
5 Honor.

6 THE COURT: For the defense?

7 MR. GOLDSTEIN: 115, Your Honor. This is the
8 individual that was the lawyer, the former
9 prosecutor.

10 THE COURT: Give me the number again.

11 MR. SOROSKY: 116. 116.

12 THE COURT: Okay, the lawyer.

13 MR. GOLDSTEIN: Yes. Your Honor, there's two
14 issues with this individual. One is a hardship, he
15 did mention the time-sensitive nature of his job and
16 the difficulty he would have, not necessarily that
17 he would lose his job but that he would actually
18 function in his job during this trial. That's
19 number one.

20 Number two is the very obvious cause issues
21 that he expresses throughout. This is an individual
22 who is a former prosecutor, a lawyer, who knows the
23 law, and question after question after question,
24 knowing the law, specifically says what the law
25 isn't. The question 75 --

1 THE COURT: You don't have to go through
2 this.

3 MR. GOLDSTEIN: Okay.

4 THE COURT: I remember this guy vividly.

5 MR. SCHAR: Judge, in terms of the job issue,
6 I don't view it as a hardship anymore than it would
7 be anyone else who's got a job with some
8 responsibility, it's not a financial hardship I
9 think is the difference here. And I think you
10 thoroughly question him. It was our take that he
11 obviously knows -- I agree with Mr. Goldstein, he
12 knows the standard, he knows how to apply the
13 standard, he knows what he needs to do to go into
14 the back and come into this courtroom with an open
15 mind about it, and he said he'd make every
16 good-faith effort to do that, and I believe that he
17 would.

18 THE COURT: I'm denying this challenge for
19 cause and let me tell you why, my view might be a
20 little different, and the reason I thought about it
21 is, I think his only real concern is the job. And
22 there's no reason he wouldn't know since he hadn't
23 sat on the jury before, that jobs, just as sensitive
24 as his, and in fact more sensitive than his, could
25 easily be handled in the day of modern

1 communications by jurors. I believe I had a juror
2 in one pool who managed to sell a company during the
3 week he was here. We I think in that case had to
4 arrange some way for him to plug into the Net, which
5 we were able to do. And they tend not to estimate
6 the significance of the day off, and they tend not
7 to understand the significance that instead of
8 meeting at 9:00 they can meet at 7:00.

9 which means that I think he was stretching it
10 when he talked about how he had this firm
11 conviction, which is in itself a problem, because
12 he's saying that, because I don't fully understand
13 the nature of the opportunity I'll have, because
14 he's probably using an old model where, in his mind,
15 where if he served on a jury, most your life goes
16 away, unless you could borrow the judicial secretary
17 phone periodically. I think that's what he was
18 worried about. And I think he told the truth about
19 well, I can honestly say that, you know, I think the
20 bad is a bad guy.

21 But the one question he wasn't asked on the
22 questionnaire, and deliberately so, it's not an
23 oversight, is you don't ask the one key question,
24 that is, "well, suppose you do think that way, can
25 you put it off to one side," and the reason we don't

1 ask that question is because, in many cases, it's
2 really not crucial and it asks a question the
3 meaning of which they may not fully understand, they
4 need a full explanation. Granted, that this guy
5 probably didn't need the explanation but most do.
6 And which is why I pressed him on it. And if he had
7 said to me, "no, I can't," I would have taken his
8 answer, but he didn't say it. What he kept saying,
9 and it was obvious that he was telling the truth, is
10 "it would be hard," but I believe he would do it.

11 Not only do I believe he would do it, but I
12 believe it's not going to be so hard either. I
13 think this is well within his capacity, I think this
14 is precisely the kinds of decisions he's made as a
15 lawyer during the one period of his life, so I'm
16 rejecting the challenge.

17 MR. GOLDSTEIN: Your Honor, may I respond,
18 just briefly?

19 THE COURT: No, I made a ruling. We don't
20 actually respond to rulings, just say that we don't
21 like the ruling.

22 MR. GOLDSTEIN: Because there's another issue
23 we mentioned at the sidebar, that's all I'm bringing
24 as to question 28.

25 THE COURT: Which question?

1 MR. GOLDSTEIN: Question 28. I don't want to
2 reveal --

3 THE COURT: Let me look at it.
4 (Brief pause).

5 THE COURT: You wanted more information about
6 this?

7 MR. GOLDSTEIN: Correct.

8 THE COURT: About question 28?

9 MR. SOROSKY: Well, the Court had mentioned
10 something about it.

11 MR. GOLDSTEIN: It was something for a
12 sidebar, so I don't want to --

13 THE COURT: No, no, question 28 on this is
14 something where the guy said he identified something
15 and told you what the disposition was.

16 MR. GOLDSTEIN: But there is an additional
17 thing I thought the Court had found.

18 THE COURT: I did?

19 MR. SCHAR: Judge, I think it's an
20 out-of-state issue.

21 MR. GOLDSTEIN: Correct.

22 THE COURT: Oh, right. Right. Right. No,
23 I'll check into that. I'm pretty much that that's
24 not him. But he's coming back. No, I remember
25 exactly what it was.

1 what's next?

2 MR. SCHAR: Judge, clearly going into
3 financial hardships, 103 was the bartender.
4 Obviously, there was no indication she could not be
5 fair, but you raised the issue of the financial
6 hardship in terms of her ability to -- I guess it's
7 compounded by the fact that it would be her ability
8 to have to go from here then into a job that would
9 go into the evening. I suppose it's the issues of,
10 A, a financial hardship, and B, how that particular
11 financial hardship would affect her ability to be a
12 focused juror.

13 MR. GOLDSTEIN: Your Honor, we object. Her
14 hours were such that she could work --

15 THE COURT: Stop. You win.

16 Okay, who's next?

17 MR. GOLDSTEIN: 116.

18 THE COURT: Okay, I got him. Go ahead.

19 MR. GOLDSTEIN: He answered two questions in
20 this questionnaire number 78, as well as number 89.
21 In 78 he said:

22 "... in my opinion, based on these counts and my
23 personal bias that he is guilty."

24 Number 89 he said as far as the defendant's
25 right to not testify, he said:

1 ".... he can abide by the retirement except
2 every chance he gets ..." meaning the defendant
3 "... he keeps saying he would testify, I think
4 I would hold it against him if he does not
5 testify."

6 when asked by the Court if he could set that
7 aside or hold it against the defendant, he said he
8 would try but he would have bias because numerous
9 times he said that he would testify, and then you
10 asked if he would try, he said:

11 "I think I could. Can't say for sure."

12 So he clearly was an individual that wasn't
13 certain even by the Court's questioning. The true
14 statements occurred in these questionnaires when he
15 had the time to think about it and write it out, and
16 the true statements in these questionnaires is that
17 he's biased. He is clearly biased. He tried to be
18 respectful to Your Honor's questions, but didn't
19 even showed while he was shrugging his shoulders and
20 sort of nodding no when asked the question whether
21 he can be fair.

22 MR. SCHAR: Judge, I thought that, you know,
23 he made a -- from a fundamental matter, it's not as
24 if they took these questionnaires home and
25 contemplated them for days when they wrote it down.

1 They then come in here and you explain to them in
2 much more detail what is actually required in a
3 court of law and how trial works, and this is
4 independent of this individual, which is generally.
5 So this general concept that somehow the
6 questionnaires are the holy grail is obviously not
7 something that the government considers to be
8 accurate.

9 Putting that issue aside, obviously he
10 provided certain answers to say the questionnaires,
11 and then you explained things to him more
12 thoroughly. I think he indicated, at least as to
13 the issue of 78, he believed he could set aside and
14 do what Your Honor would ask him to do.

15 The issue of the testimony, he did say he
16 thinks he could but couldn't say for sure. And,
17 obviously, you know, Your Honor has a better sense
18 of him in terms of being able to look him in the
19 eye, but we think he could be fair.

20 MR. GOLDSTEIN: If I may reply briefly?

21 Your Honor, the questionnaire specifically
22 says, the one that they read on Page 2, the
23 defendant does not have to prove anything, the
24 government bears the burden of proving the guilt of
25 the defendant beyond a reasonable doubt, the burden

1 of proof is always on the government. He read the
2 questionnaire, he sat, took time, and he
3 specifically wrote there that he couldn't do that.

4 THE COURT: How do you know he took time?

5 MR. GOLDSTEIN: My understanding is that they
6 came in at 9:00 o'clock yesterday.

7 THE COURT: How do you know he took his time?

8 Maybe he wrote it fast? And the truth is, they
9 don't get a lot of time to do their thing, and the
10 only reason they don't get a lot of time to do that
11 is, it's not one of their favorite things. They
12 want to read, write the things, and they want to get
13 out of there.

14 The questions are designed to elicit an
15 immediate reaction, and the immediate reaction to
16 most people is not hearing a long instruction. We
17 didn't have that little preface which says, you
18 know, you may think you know this, but you don't
19 know until it's evidence in court. I have a vague
20 recollection of many years ago seeing a two-page
21 description in front of a questionnaire telling a
22 jury what the nature of the legal process is. It
23 didn't work, actually. It needs to be spoken to you
24 with examples of various kinds. I think there's no
25 doubt in my mind, this one in particular, that he

1 won't follow the rules. The challenge is rejected.

2 what's next?

3 MR. SCHAR: Judge, 106 is a hardship issue.

4 Again, this is the individual that got a real

5 mortgage problem and I think she indicated that.

6 THE COURT: Yes, I remember.

7 MR. SCHAR: She had a childcare issue.

8 THE COURT: Yes. And the economic issue

9 because of the payment for jury duty, which the

10 employer does not do. I mean, you can take jury

11 duty and they won't fire you, but you don't get

12 paid.

13 Your views on this?

14 MR. GOLDSTEIN: We object. I don't think

15 it's enough of a financial hardship to be stricken,

16 Your Honor.

17 THE COURT: In her case, it is. Challenge is

18 granted.

19 Somebody got something else?

20 MR. SOROSKY: We do have more, Your Honor. I

21 don't know if you want to keep going.

22 THE COURT: Do you have anymore for the

23 government?

24 MR. SCHAR: Yes, Judge. At least financial

25 ones, and I think there are probably two on -- if

1 you want I could go more directly to the two that go
2 beyond the financial issues.

3 THE COURT: Yeah. Do that.

4 MR. SCHAR: 108 was the language problem, I
5 assume that she's --

6 THE COURT: Yeah, I believe I informed you of
7 that. I already did that.

8 MR. GOLDSTEIN: As far as 108, we do object
9 as to cause for that. This is an individual that's
10 been living in the country --

11 THE COURT: Can't speak English. Look at the
12 way she filled out that form, didn't understand my
13 direct instruction not to say her name. I'm
14 granting the challenge for cause.

15 MR. SCHAR: Judge, 119 would be a
16 non-hardship cause challenge for the government.

17 THE COURT: Let me try to put something
18 together here.

19 (Brief pause)

20 MR. GOLDSTEIN: What was the cause?

21 THE COURT: What's the number before me now?

22 MR. SOROSKY: The prosecutor said 119.

23 THE COURT: Which one, 116 or 119?

24 MR. SCHAR: 119, Judge.

25 THE COURT: Okay. Yes, go ahead.

1 MR. SCHAR: Judge, the argument from the
2 government's perspective on this prospective juror
3 is largely related to his criminal history. He's
4 been convicted did both of DUI and battery. He went
5 through penalties for the battery, at least it
6 suggested, it didn't seem that he thought the
7 penalties were useful to him. And, obviously, I can
8 go into it specifically, but in response to answer
9 35, he responded that he knows what it's like to get
10 convicted. He went through several times the
11 concept that history reveals itself over time.

12 I think he indicated that opinions change,
13 but we kind of looked at it, particularly given the
14 publicity around this case, that metaphor is, there
15 might be an initial indication of what the media may
16 say but over time it may be that it's completely
17 something else.

18 So when you look at it altogether, from our
19 perspective, you're dealing with an individual who
20 particularly given the fact he's gone through a jury
21 trial and been convicted himself is not someone who
22 could be fair under the circumstances.

23 MR. SOROSKY: Your Honor, this individual was
24 probably the most honest person that walked through
25 that door. He answered every question on the

1 questionnaire, he answered every question of Your
2 Honor, he was firm and unequivocal. Every time you
3 asked him a question, he gave his opinions. And the
4 fact that he was convicted means nothing. He was
5 honest about it and he specifically talked about it.
6 He said "I know what it's like to be convicted,"
7 that's an honest statement, he was convicted and he
8 knows what it's like.

9 The fact that he was convicted twice does
10 not, in any way, create cause whatsoever. If he
11 lied about it, if he wasn't honest with Your Honor
12 about it? Absolutely. But he was 100-percent
13 honest. The only potential issue, he mentioned that
14 there was an issue with law enforcement officers,
15 but he specifically said, when you asked, and that
16 was the last question, could he be fair he said,
17 yes, I can. He didn't waiver, he didn't pause
18 whatsoever. He was honest with you and there is not
19 one reason for cause on him.

20 MR. SCHAR: And, Judge, there is one other
21 thing I did not add. He's also one who is entangled
22 in a very substantial fraud where he, himself, is a
23 victim of a substantial fraud perpetrated by a
24 friend of his which appears not to be headed towards
25 a favorable resolution for him; that's also in the

1 mix.

2 THE COURT: No.

3 who's next?

4 MR. GOLDSTEIN: We are, Your Honor, and that
5 is 117.

6 THE COURT: Okay.

7 MR. GOLDSTEIN: There's two reasons as to
8 117, one is a financial hardship which he indicated,
9 said she will be starting a job.

10 THE COURT: Yeah, I remember this stuff. You
11 can say "financial hardship" and if I don't remember
12 I'll ask you to make it more specific.

13 MR. GOLDSTEIN: Okay. Good. Thank you.

14 MR. SOROSKY: With the financial hardship
15 issue, we won't get into any other matters.

16 THE COURT: Your view on financial hardship?

17 MR. SCHAR: She just started a job. I didn't
18 sense that that was a significant financial hardship
19 form her, but --

20 THE COURT: No, actually, it's less financial
21 hardship than it is "I started this job, I'm going
22 to lose the job" because there's no relationship and
23 she took a fair amount of time getting there, that's
24 basically what her position is.

25 MR. SCHAR: Obviously, she is going to lose

1 her job, I would agree. I didn't --

2 THE COURT: I can ask her again, but I think
3 that's basically the issue. And the stuff before
4 all of this started, it was one of these things
5 where I'm going to start this job, and my impression
6 is, although I could be wrong about it, that the
7 basic meaning there is is I've been looking for a
8 job, for a while, I got this job, it's the kind of
9 job I want, I don't know what I'm doing yet, and if
10 I'm stuck on the jury, who knows if the job will be
11 there, maybe it will, maybe it won't. We can ask
12 her.

13 But you have another reason?

14 MR. GOLDSTEIN: In addition, question 83, it
15 asks have you seen, heard or read anything about the
16 case, she indicated:

17 "I'm a little biased based on everyone's
18 thoughts and I have formed the opinion that he
19 is guilty."

20 Showing clear bias.

21 When asked by Your Honor she paused and she
22 said she would like to say yes, to put her thoughts
23 aside. I don't think that was the most unequivocal
24 answer.

25 THE COURT: No, but I believed it. So I'm

1 rejecting the challenge for cause.

2 MR. SOROSKY: But we're still holding open
3 the --

4 THE COURT: Exactly.

5 MR. SCHAR: Judge, 114 from the government.

6 THE COURT: 114. I remember this one.

7 MR. SCHAR: You need me to make arguments.

8 THE COURT: No, I don't think so.

9 You want to say anything?

10 MR. GOLDSTEIN: Yes, we object. I assume the
11 only basis is the religious beliefs.

12 MR. SCHAR: Well, she also had --

13 THE COURT: I don't mind people who
14 traditionally misinterpret the phrase "judge not
15 lest ye be judged," what gave me pause with her is,
16 she doesn't know what it means, she doesn't know
17 what it means in her own mind. So I'm dealing with
18 a wild card. I'm dealing with somebody who may very
19 well take the position that we are not dealing with
20 the judgments of heaven, we are dealing with human
21 judgments, but she may think that, you know, this
22 comes so close to the traditional God-like judgment
23 that she shouldn't exercise it. We have no idea
24 which way she is going to jump on this one.

25 And the other thing that impressed me about

1 it is is she is very sincere in her belief that at
2 the core of this is some belief. This is not
3 somebody who said it in an offhand kind of way, this
4 is somebody who really believes there's a limitation
5 on her ability to judge, and because she put it down
6 in this particular questionnaire, we know what the
7 object of that is, and that's this case. I simply
8 do not trust her ability to exercise judgment at
9 all. So I'm granting the challenge for cause.

10 Anybody have anything else?

11 MR. GOLDSTEIN: 118.

12 THE COURT: Okay.

13 MR. GOLDSTEIN: Your Honor, she indicated
14 that this would be a financial hardship. She said
15 she only gets paid for the days she works and these
16 are paycheck to pay the bills, that's as to the
17 hardship issue. As to the bias issue --

18 THE COURT: What number are you on?

19 MR. GOLDSTEIN: 118.

20 THE COURT: Yes.

21 MR. GOLDSTEIN: I hope I have it right.

22 THE COURT: Yeah.

23 Okay, I've read that. But she didn't ask for
24 a deferral, which is fairly unusual.

25 MR. GOLDSTEIN: Right. I understand.

1 THE COURT: I don't have a deferral note in
2 here. And usually that's -- I don't think I've cut
3 anybody out on financial hardship who has not also
4 filed a deferral. And it's not that it's an
5 absolute necessity, it just strikes me as something
6 that is not saying as much as -- but we can save
7 that one and I can ask a follow-up question.

8 MR. GOLDSTEIN: We have do have further
9 basis, but if you want to save it --

10 THE COURT: Go ahead. Give me a further
11 basis.

12 MR. GOLDSTEIN: It's question number 78, she
13 said:

14 "I feel the former governor wasn't playing
15 fair."

16 THE COURT: That's pretty mild --

17 MR. GOLDSTEIN: Well --

18 THE COURT: -- compared to some of the
19 others.

20 MR. GOLDSTEIN: I guess it is. It depends if
21 you're looking at it from a relative point of view
22 or from an objective point of view --

23 THE COURT: well, if, for example, you really
24 don't know what this stuff means. It was one -- and
25 I didn't confront the juror with it because it

1 was -- it wouldn't have accomplished anything, but
2 there was one who referred to your client as "a nut
3 case." Now, if you take that literally, that does
4 not mean guilty.

5 And I think I started asking that question
6 about, we're not talking about fair, nice, do you
7 like him, do you approve of him, disapprove of him.
8 We're talking about a very narrow issue, and I think
9 this is an individual who would understand that.

10 So I think, standing alone, that question
11 doesn't go anywhere. Sometimes you can detect by
12 the demeanor of the juror that they really despise
13 somebody in the courtroom, although most of the time
14 when you see that in a juror's face, it's not
15 directed toward a party, it's directed toward a
16 lawyer, that's neither here nor there, and they
17 don't know anybody here well enough to get to that
18 level of fury at the lawyer.

19 MR. GOLDSTEIN: Additionally, Your Honor,
20 there were a lot of questions where she answered
21 "unsure."

22 THE COURT: Yeah, but I went through all of
23 them.

24 MR. GOLDSTEIN: You did, and she specifically
25 said "I think I can follow these rules," she was

1 unsure as to that answer.

2 THE COURT: I don't think that's unsure. I
3 just said, I don't think that that's unsure.

4 MR. GOLDSTEIN: Are you sure?

5 THE COURT: Yeah. I can leave that one open.

6 MR. SOROSKY: Your Honor, one additional
7 comment about this woman. She is a teacher, and
8 although she substitutes presently in the Chicago
9 Public Schools, she previously was a teacher in the
10 suburban schools and I think she indicated she
11 didn't like teaching and that's why she went into
12 some other job, she worked at that job for a good
13 number of years, she got laid off and she went into
14 substitute teaching. To refresh your memory, this
15 is the woman who said, from 1 to 10 what do you
16 regard teaching, and I think she gave a 10 being the
17 bottom.

18 THE COURT: No, I think she said she might
19 give it a 10.

20 MR. SOROSKY: Might give it a 10. But she
21 did indicate on her questionnaire that she had
22 pension money in the Teachers Retirement System,
23 which might very well be a topic in this case and
24 perhaps we could go back and question her concerning
25 that before we make a final decision.

1 THE COURT: I think it falls within that
2 category of it would be too small a matter, it's a
3 huge fund, unless somebody is going to come in and
4 testify that it imperiled the pension, which I don't
5 think anybody is going to do, no.

:59PM

6 So that takes care of 118. Anybody left?

7 MR. SCHAR: 122.

8 THE COURT: 122 we're going to have to bring
9 back for another question. And I also want to check
10 on something with 122. I understand why you're
11 making it -- well, let me see if there's an
12 objection.

:59PM

13 MR. GOLDSTEIN: There's no objection to 122.

14 THE COURT: well, against my better judgment,
15 since both sides agree, I will grant the challenge
16 for cause.

:59PM

17 So you both have a ruling, see how easy it
18 is?

19 what's next?

20 MR. SCHAR: Judge, in terms of beyond the
21 financial hardships, I'm not sure the government has
22 any other cause challenge, but I may be wrong about
23 that.

:00PM

24 THE COURT: How about the defense?

25 (Brief pause).

:00PM

1 THE COURT: Okay. I'm assuming from silence,
2 there's no defense thing except for financial stuff.
3 Now, you want to go to financial hardship?

4 MR. SCHAR: Sure, Judge.

5 MR. SOROSKY: which juror are we speaking?
6 What number?

7 THE COURT: We don't know yet.

8 MR. SCHAR: Judge, as to 107. There's two
9 issues here, and I assume because of the potential
10 financial hardship you didn't go back over the other
11 one, but this is a lady who has a prescheduled
12 flight, I think, next week or two weeks.

13 THE COURT: Is that the only reason?

14 MR. SCHAR: She is a financial hardship, at
15 least in the context -- or maybe it was a work
16 issue.

17 THE COURT: I am reluctant to do financial
18 hardship in this particular case, and the reason I'm
19 reluctant to do it is, I have learned through
20 experience that when what you get is not a letter or
21 a statement from the person saying this will be a
22 terrible financial hardship and please don't do it,
23 what you get instead is a letter from the boss
24 saying "we can't let her go," you're talking about
25 somebody who has no personal feelings one way or the

1 other.

2 Not only is there only the letter from the
3 employer, she didn't check the box about hardship
4 excuses. So I think this is something that is
5 employer-generated. I don't think a sane employee
6 would say something like, you know, they sent this
7 letter but they really don't need me. So I don't
8 think that hardship works. The plane flight, I can
9 ask another question about it.

10 MR. SCHAR: Obviously, if that is not there,
11 it's not an issue, then, from the government for
12 her, it's just we don't like going down that road if
13 she's going to be gone.

14 THE COURT: I mean, because we have somebody
15 coming up later who was supposed to be somewhere
16 else on Monday, and the way it was originally
17 phrased is somebody who has to be in so-and-so, and
18 it had sort of the aura's communicated to us in the
19 course of a long planned vacation life's dream to
20 climb some pyramid somewhere, and, in fact, this is
21 some employer's training trip. So we cancelled the
22 training trip. So that's basically where I am, so
23 we have the plane flight to check with that person.

24 Anybody got anything left?

25 MR. GOLDSTEIN: 121, Your Honor.

1 THE COURT: 121. Okay.

2 MR. GOLDSTEIN: This individual I think
3 explained the hardship but I think retracted it,
4 but, nonetheless, showed issues of bias and that is
5 question 78 and 91.

6 And question 78 indicated:

7 "what I heard from the media, sounds like
8 Mr. Blagojevich was lucky he wasn't convicted."

9 And then on question 91, as far as the
10 indictment:

11 "would you have any difficulty applying the
12 Court's instruction on this point?"

13 "I would certainly try not to, but there was
14 obviously good reason to indict, otherwise why
15 do it?"

16 He clearly indicated bias on that, he thinks
17 an indictment --

18 THE COURT: Not after I told him what he need
19 to know he didn't.

20 MR. GOLDSTEIN: After you told him what he
21 needed to know?

22 THE COURT: Yeah, which is that an indictment
23 is not the same standard. I mean, I dealt with both
24 of those questions specifically. Because the answer
25 to 91 is, obviously, based on an assumption about

1 what the law requires that's wrong. And with
2 respect to "from what I've heard from the media,"
3 the one thing that I think they all understand now
4 is that they don't decide it on what the media says.

5 The reason we ask these questions this way is
6 to prompt answers like this so the people's
7 misimpressions could be corrected. And in this
8 case, this was the easiest because he didn't even
9 attribute it to the evidence, he attributed it to
10 the media. So I'm rejecting the challenge.

11 Okay, this means that I think we're done with
12 this.

13 MR. GOLDSTEIN: We do have more.

14 THE COURT: More?

15 MR. GOLDSTEIN: Yeah.

16 THE COURT: What more do you have?

17 MR. GOLDSTEIN: We have more cause requests,
18 Your Honor.

19 MR. SOROSKY: We have two more causes.

20 MR. GOLDSTEIN: Do you want to start on
21 Monday or --

22 THE COURT: Go ahead.

23 MR. SOROSKY: 126 and 127, so we'll take them
24 in chronological order.

25 MR. SCHAR: We'll take them inverse order,

1 the 127 the government doesn't have any objection
2 striking.

3 THE COURT: 127. Yeah, that's an easy one.
4 So now we're down to 126.

5 MR. GOLDSTEIN: Yes, 126.

6 THE COURT: This is the master of branding.

7 MR. GOLDSTEIN: Specifically, Your Honor, to
8 question 78 indicated:

9 "I feel the ex-governor was attempting to sell
10 the Senate seat. I personally don't trust him
11 as an individual."

12 Number 80 is sort of an interesting question,
13 I don't know exactly what he's saying, but I think
14 it probably indicates -- specifically, he says:

15 "I saw several episodes of the Apprentice and
16 it's reinforced my opinion of him."

17 I think as Your Honor indicated --

18 THE COURT: I believe that lay at the heart
19 of the questions I asked him based on the premise
20 that he does not think much of your client.

21 MR. GOLDSTEIN: Correct. And when Your Honor
22 asked questions, Your Honor asked him do you
23 understand that you can't hold it against him, he
24 said I understand it. He may understand the
25 principle, but he still has the bias, and the bias

1 is against the defendant, and it's clear.

2 MR. SOROSKY: And I would also add, Your
3 Honor, this man has an M.B.A. So you're talking
4 about a very, very intelligent man who is coming to
5 fill out a questionnaire where inarticulated premise
6 is you're supposed to be a fair juror and he clearly
7 expresses open and notorious bias against
8 Mr. Blagojevich.

9 MR. GOLDSTEIN: He also indicated he had a
10 plane ticket, a nonrefundable plane ticket during --

11 THE COURT: I don't believe the cost of a
12 nonrefundable plane ticket is a big issue for this
13 guy, but we can deal with that later.

14 MR. SCHAR: If you want, in terms of his
15 fairness, Judge, I think he answered that he could
16 be fair, and I think he was clear in that regard in
17 response to the questions when you laid it out.

18 Frankly, there were responses that were much
19 stronger in other questionnaires versus this one
20 than individuals that we've kept because they could
21 be fair. I think he falls well within that
22 category. Obviously the plane ticket is an issue,
23 but to the extent that can be resolved, I don't
24 think it's a cause challenge.

25 THE COURT: My problem with this guy is a

1 little different from yours. He's voicing a fairly
2 strong business reason why he can't do this. I
3 accept that he's got two major branding products, I
4 accept the fact that he, I think, said he had to
5 spend 3 to 4 days a week at the site of whoever does
6 this thing. And, actually, when I read the thing in
7 the beginning, I thought probably I would excuse him
8 because we're trying not to ruin people's careers
9 here, but then I decided I really don't know enough
10 about it, I don't know how long the programs are, I
11 don't know exactly what it means by having to be
12 there 3 or 4 days a week, I don't know where they
13 are. So I'm leaving him on subject to further
14 discussion.

15 And I also think that some of the stuff he
16 was saying was not saying things that were untrue
17 but placing emphasizes on those aspects of the truth
18 that would be most likely to get him off the hook
19 for jury service. Or, to put it in his terms, to
20 brand himself as an undesirable juror for one side
21 or another. And we'll see. I mean, I have an open
22 mind on this guy because I can see it both ways.

23 Anything else?

24 MR. SCHAR: Not from the government, Judge,
25 on strikes. I think there is a fully briefed motion

1 in limine. I'm wondering if Your Honor had the
2 sense of when a ruling might be forthcoming in that
3 regard.

4 THE COURT: Yes; this is your motion in
5 limine about what they can and cannot argue?

6 MR. SCHAR: Yes.

7 MR. SOROSKY: Well, we are going to file a
8 motion in limine, so if the Court wants both motions
9 before you rule?

10 THE COURT: That would be swell.

11 MR. SOROSKY: We'll try to get ours in by the
12 end of the day.

13 THE COURT: Today or tomorrow?

14 MR. GOLDSTEIN: Tomorrow. Let's be safe,
15 Judge.

16 MR. SOROSKY: Tomorrow. Tomorrow.

17 THE COURT: Okay. Anything else?

18 MR. SCHAR: No.

19 MR. SOROSKY: That's all.

20 THE COURT: I'll be here tomorrow if you need
21 to see me, otherwise I'll see you on Monday.

22 MR. SCHAR: 10:00 o'clock, Judge?

23 THE COURT: Why don't you wander up here by
24 9:30.

25 MR. SCHAR: Very good.

1 MR. SOROSKY: And we could come tomorrow and
2 look at the questionnaires?

3 THE COURT: I believe so.

4 MR. SOROSKY: Thank you.

5 THE COURT: Thank you.

6
7 (Adjournment taken from 6:12 o'clock p.m. to
8 9:30 o'clock a.m. on April 25, 2011.)
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Voir Dire

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I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT

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FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED

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MATTER

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/s/Blanca I. Lara

date

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Blanca I. Lara

Date

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